# JOURNAL

OF THE

# HOUSE OF REPRESENTATIVES

OF THE

## COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE THIRD DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1838, AND OF THE COMMONWEALTH THE FORTY SEVENTH.

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# JOURNAL

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# HOUSE OF REPRESENTATIVES.

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At a General Assembly, begun and held for the Commonwealth of Kentucky, in the town of Frankfort, on Monday the 3d day of December, in the year of our Lord 1838, and in the 47th year of the Commonwealth—on which day (being that designated by law) the following members of the House of Representatives appeared, to-wit:

From the county of *Adair*—Chapman Dohoney:

From the county of *Allen*—Thomas Sutton:

From the county of *Anderson*—Andrew McBrayer:

From the county of *Bourbon*—Hiram M. Bledsoe, and Elezemond Basye:

From the county of *Bracken*—David Brooks:

From the counties of *Butler* and *Edmonson*—John T. Burden:

From the county of *Bullitt*—John Graham:

From the county of *Bath*—John A. Trumbo:

From the county of *Barren*—James G. Hardy and John W. Ritter:

From the counties of *Breckinridge* and *Hancock*—Alfred Allen:

From the county of *Boone*—Randal Latimer:

From the county of *Campbell*—John A. Goodson and John J. Thomas:

From the counties of *Clay* and *Perry*—William Morris:

From the counties of *Cumberland* and *Clinton*—Thomas S. Ellison:

From the county of *Caldwell*—Linah Mims:

From the county of *Christian*—Ninian E. Gray and Benj. Bradshaw:

From the county of *Clarke*—Fielding A. Combs and Zachariah Haggard:

From the county of *Calloway*—Vincent A. Wade:

From the county of *Casey*—John Riffe:

From the county of *Daviess*—William Newton:

From the county of *Estill*—Isaac Thornburg:

From the county of *Fleming*—Landaff W. Andrews and William W. Blair:

From the county of *Franklin*—Charles S. Morehead:
From the county of *Fayette*—William Rodes and Larkin B. Smith:
From the counties of *Floyd* and *Pike*—Henry C. Harris:
From the county of *Garrard*—Robert P. Letcher and Simeon H. Anderson:
From the county of *Green*—Richard A. Buckner and Alfred Anderson:
From the county of *Greenup*—David Trimble:
From the counties of *Gallatin*, *Carroll* and *Trimble*—William Root:
From the counties of *Graves* and *McCracken*—George M. Pirtle:
From the county of *Grant*—Lewis Myers:
From the county of *Grayson*—Valentine Yates:
From the county of *Harrison*—Hugh Newell and Whitehead Coleman:
From the county of *Hardin*—John Cofer and Chas. G. Wintersmith:
From the county of *Hart*—Benjamin B. Edmonson:
From the county of *Hopkins*—William Bradley:
From the county of *Hickman*—Samuel P. McFall:
From the county of *Henry*—Joseph Lecompte:
From the county of *Henderson*—Edmund H. Hopkins:
From the county of *Jefferson*—Patrick H. Pope and David Meriwether:
From the city of *Louisville*—William H. Field and Percival Butler:
From the county of *Jessamine*—George S. Shanklin:
From the county of *Livingston*—Joseph Hughes:
From the county of *Lincoln*—Hartwell A. Bailey:
From the county of *Logan*—Robert Browder and Benjamin E. Gray:
From the county of *Lewis*—Thomas J. Walker:
From the counties of *Lawrence* and *Morgan*—Green V. Goble:
From the county of *Mason*—John A. M'Clung and James W. Waddle:
From the county of *Monroe*—William G. Howard:
From the county of *Mercer*—Ludwell C. Cornish and William Daviess:
From the county of *Marion*—Edward C. Purdy:
From the county of *Meade*—Thomas J. Gough:
From the county of *Madison*—William T. Fox and Thos. Royston:
From the county of *Montgomery*—Richard Apperson:
From the county of *Muhlenburg*—James Taggart:
From the county of *Nelson*—G. Clayton Slaughter and Asher Bodine:
From the county of *Nicholas*—John W. Sharpe:
From the county of *Oldham*—Camden M. Ballard;
From the county of *Ohio*—Alexander R. Rowan:
From the county of *Owen*—Joseph W. Rowlett:
From the county of *Pendleton*—Samuel F. Swope:
From the county of *Pulaski*—Charles Jasper:
From the counties of *Rockcastle* and *Laurel*—Thomas J. Buford:

From the county of *Russell*—Nathan McClure:
From the county of *Shelby*—James C. Sprigg and William C. Bullock:
From the county of *Scott*—George W. Johnson and Stephen F. Gano:
From the county of *Simpson*—John Finn:
From the county of *Spencer*—Stilwell Heady:
From the county of *Todd*—Benjamin H. Reeves:
From the county of *Trigg*—Thomas B. Redd:
From the county of *Union*—Hiram McElroy:
From the county of *Warren*—John F. Todd and Isaac Smith:
From the county of *Washington*—Christopher A. Rudd:
From the county of *Wayne*—Shelby Coffey:
From the county of *Whitley*—Dempsey White:

Who, constituting a quorum, and having severally taken the oaths prescribed by the Constitution of the United States, and the Constitution and Laws of this State, repaired to their seats.

Mr. White nominated Mr. Robert P. Letcher as a proper person to fill the office of Speaker during the present session; and there being no other person put in nomination, Mr. Letcher was declared duly elected Speaker for the present session.

Mr. Thomas J. Helm was unanimously elected Clerk; and Mr. Joseph Gray, Seargeant-at-Arms.

Mr. Morehead nominated Mr. William B. Holeman as a proper person to fill the office of Door Keeper; Mr. Rowlett nominated Mr. Jordan Thomas; Mr. Gano nominated Mr. Benjamin B. Smith; Mr. Sprigg nominated Mr. George Sudduth; and Mr. Redd nominated Mr. John W. Smith; and a vote being taken between those on nomination, it stood thus:

Those who voted for Mr. Holeman, are as follows:

| | | | |
|---|---|---|---|
| Messrs. | Allen, | Goble, | Reeves, |
| | Anderson, A. | Goodson, | Riffe, |
| | Anderson, S. H. | Gough, | Root, |
| | Andrews, | Graham, | Rowan, |
| | Ballard, | Gray, B. E. | Royston, |
| | Basye, | Gray, N. E. | Rudd, |
| | Blair, | Hopkins, | Sharpe, |
| | Bodine, | McClung, | Slaughter, |
| | Bradshaw, | McElroy, | Smith, I. |
| | Brooks, | McFall, | Thornburg, |
| | Browder, | Meriwether, | Todd, |
| | Buford, | Mims, | Trimble, |
| | Buckner | Morehead, | Trumbo, |
| | Butler, | Morris, | Waddle, |
| | Coleman, | Myers, | Wade, |
| | Cofer, | Newell, | Walker, |
| | Combs, | Newton, | White, |
| | Daviess, | Pirtle, | Wintersmith, |
| | Field, | Purdy, | Yates—58. |
| | Finn, | | |

Those who voted for Mr. Thomas, are as follows:

Messrs. Lecompte,
Rowlett—2.

Those who voted for Mr. B. B. Smith, are as follows:

| | | |
|---|---|---|
| Messrs. Apperson, | Fox, | Letcher, |
| Bailey, | Gano, | McBrayer, |
| Bledsoe, | Haggard, | Pope, |
| Bradley, | Hardy, | Ritter, |
| Bullock, | Harris, | Rodes, |
| Burden, | Heady, | Shanklin, |
| Coffey, | Howard, | Smith, L. B. |
| Cornish, | Hughes, | Sutton, |
| Dohoney, | Jasper, | Swope, |
| Edmonson, | Johnson, | Taggart, |
| Ellison, | Latimer | Thomas—33. |

Those who voted for Mr. George Sudduth, are as follows:

Mr. Sprigg—1.

Those who voted for Mr. J. W. Smith, are as follows:

Messrs. McClure,
Redd—2.

*Ordered*, That Mr. Meriwether inform the Senate that this House having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business.

A message was received from the Senate, by Mr. Guthrie:

"Mr. Speaker: I am directed by the Senate, to inform this House, that the Senate having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business; they have also appointed a committee of three on their part, to act in conjunction with a committee on the part of this House, to wait on the Governor, and are now ready to receive such communication (by way of message) as he may think proper to make."

And then he withdrew.

Whereupon, Messrs. Trimble, Buckner, Rodes, Mims and Browder, were appointed a committee on the part of this House.

*Ordered*, That Mr. Trimble inform the Senate thereof.

The said committee then retired, and after a short time, returned; when Mr. Trimble, from the committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would, on to-morrow at 11 o'clock, A. M., make a communication (by way of message) to both Houses of the General Assembly, in their respective chambers.

On motion of Mr. S. H. Anderson,

*Resolved*, That the rules for the government of the Legislature of the last session be adopted for the government of the present session; and that

the Public Printer forthwith print 150 copies thereof, for the use of this House.

On motion of Mr. Harris, leave was granted to bring in a bill to appropriate a sum of money in order to complete the State road from Mount Sterling, by way of Prestonburg, to the Virginia line.

*Ordered*, That Messrs. Harris, Apperson, Trumbo and Goble, prepare and bring in the same.

And then the House adjourned.

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## TUESDAY, DECEMBER 4, 1837.

Mr. Henry Clay, Jr., a member returned to serve in this House from the county of Fayette; and Mr. John W. O'Bannon, a member returned to serve from the county of Henry, appeared, and having produced certificates of their elections, and of their having taken the oaths required by law, took their seats.

The Speaker laid before the House a letter from Thomas F. Marshall, a member returned to serve in this House from the county of Woodford, which is as follows, viz:

FRANKFORT, December 3d, 1838.

*To the Speaker of the House of Representatives:*

Although returned from the county of Woodford, as a member of your honorable body for the present session, I am induced, by the circumstances attending my election, to decline taking the qualification of office, until the House decide upon my right to a seat. I know no better mode of calling their attention to the facts of my case, and requesting a decision upon them, than through you. They are briefly these: I am a native of the county I have been chosen to represent; I resided in that county all my life, till the spring of 1833, when I moved to the city of Louisville. I represented the county of Woodford the winter preceding. Last year I abandoned my residence in Louisville, and returned to my native county. The election in 1837 commenced on the 7th of August, and terminated on the 9th. I was not in the city of Louisville during the election. The day after the election (which was the 10th) I returned to the city for the purpose avowed, and carried immediately into execution, of leaving it, and returning to Woodford. I left Louisville on the 11th, and have never been there since. I was detained several days in Jefferson and Shelby counties, and reached Versailles (where I have ever since resided,) about the 25th of August. The people of the county, apprised distinctly of these facts, chose me to represent them.

A doubt exists, whether, under the constitutional provision for a year's residence in the county next preceding the election (which commenced on

the 6th of August, and terminated on the 8th,) I am entitled to take my seat. I would only add, that I had determined, and I think avowed my determination, to leave Louisville as early as the second day of the election in 1837 (which was the 8th), and only returned to make some arrangements which were necessary to my removal. I take the liberty of asking of you sir, to lay this letter before the House; and through you, I request of them, a speedy decision upon the facts. It is a matter of some importance to the people of Woodford, that it should be settled immediately, in order that they may have an early opportunity of choosing a representative, in case it should be decided that they have elected one disqualified under the law; and that, in case of a different decision, they may be deprived of their representative upon the floor for as short a time as possible.

With high respect,

I am your obedient, &c.

THOMAS F. MARSHALL.

Mr. McClung then moved the following resolution:

*Resolved*, That the facts and circumstances disclosed by Thomas F. Marshall, in the foregoing communication to the Speaker of this House, and in his verbal declaration upon the floor, do not present such a state of case as was contemplated by the 4th section of the 2d Article of the Constitution of this State, when expounded according to the true intent and spirit thereof. And that, upon producing the usual credentials, and taking the usual oath, he be permitted to take his seat upon the floor of this House.

Mr. Sprigg moved to lay said resolution on the table; and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Lecompte and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Ellison, | Mims, |
| Bradshaw, | Fox, | Morris, |
| Buford, | Gough, | Myers, |
| Bullock, | Graham, | Newton, |
| Buckner, | Gray, B. E. | Pirtle, |
| Burden, | Haggard, | Purdy, |
| Butler, | Harris, | Royston, |
| Clay, | Heady, | Rudd, |
| Coleman, | Howard, | Smith, L. B. |
| Combs, | Hughes, | Sprigg, |
| Cornish, | Latimer, | Taggart, |
| Dohoney, | McBrayer, | Yates—38. |
| Edmonson, | McFall, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Speaker, | Goble, | Rodes, |
| Anderson, A. | Goodson, | Root, |
| Anderson, S. H. | Gray, N. E. | Rowan, |
| Andrews, | Hardy, | Rowlett, |

| | | |
|---|---|---|
| Apperson, | Hopkins, | Shanklin, |
| Bailey, | Jasper, | Sharpe, |
| Ballard, | Johnson, | Slaughter, |
| Basye, | Lecompte, | Smith, I. |
| Blair, | McClung, | Sutton, |
| Bledsoe, | McClure, | Swope, |
| Bodine, | McElroy, | Thomas, |
| Bradley, | Meriwether, | Thornburg |
| Brooks, | Morehead, | Todd, |
| Browder, | Newell, | Trimble, |
| Cofer, | O'Bannon, | Trumbo, |
| Coffey, | Pope, | Waddle, |
| Daviess, | Redd, | Wade, |
| Field, | Reeves, | Walker, |
| Finn, | Riffe, | White, |
| Gano, | Ritter, | Wintersmith--60. |

The question was then taken on the adoption of said resolution, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Lecompte and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Field, | Rodes, |
| Anderson, A. | Fox, | Royston, |
| Basye, | McClung, | Rudd, |
| Bradshaw, | McElroy, | Sharpe, |
| Buckner, | Meriwether, | Slaughter, |
| Butler, | Morris, | Smith, L. B. |
| Clay, | Myers, | Thornburg, |
| Coleman, | Pope, | Waddle, |
| Cornish, | Purdy, | White—29. |
| Daviess, | Reeves, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Speaker, | Goble, | Newton, |
| Anderson, S. H. | Goodson, | O'Bannon, |
| Andrews, | Gough, | Pirtle, |
| Apperson, | Graham, | Redd, |
| Bailey, | Gray, B. E. | Riffe, |
| Ballard, | Gray, N. E. | Ritter, |
| Blair, | Haggard, | Root, |
| Bledsoe, | Hardy, | Rowan, |
| Bodine, | Harris, | Rowlett, |
| Bradley, | Heady, | Shanklin, |
| Brooks, | Hopkins, | Smith, I. |
| Browder, | Howard, | Sprigg, |
| Buford, | Hughes, | Sutton, |
| Bullock, | Jasper, | Swope, |
| Burden, | Johnson, | Taggart, |

| | | |
|---|---|---|
| Cofer, | Latimer, | Thomas, |
| Coffey, | Lecompte, | Todd, |
| Combs, | McBrayer, | Trimble, |
| Dohoney, | McClure, | Trumbo, |
| Edmonson, | McFall, | Wade, |
| Ellison, | Mims, | Walker, |
| Finn, | Morehead, | Wintersmith, |
| Gano, | Newell, | Yates—69. |

The Clerk, in pursuance to the rules of the House, appointed Mr. John C. Herndon as his assistant in the discharge of the duties of his office.

A message was received from the Governor, by Mr. Bullock, Secretary of State:

"Mr. Speaker: I am directed by the Governor, to lay before this House a message in writing."

And then he withdrew.

The said message was then taken up and read, as follows:

*Gentlemen of the Senate*
*and House of Representatives:*

When you last assembled the financial condition of the country was much deranged—the banking institutions not only in Kentucky, but throughout the Union, had suspended specie payments—the whole community was threatened with one general pecuniary distress, and an unprecedented embarrassment in the commercial relations of the nation was reasonably apprehended in the prostration of confidence and the too sudden curtailment of the circulating medium of the country. These anticipated calamities have been fortunately arrested by the wise and prudent course of legislation, pursued at the last session of your body, in relation to the banking institutions of the State, which, together with the discreet conduct and judicious management of the directory of these Banks, contributed greatly to lessen the disastrous consequences usually attending a derangement of the financial affairs of the country. The well-being and ultimate interest of all banking institutions are intimately connected with and dependent upon the general prosperity and solvency of the community in which they exist. The Banks, concious of this, and sensible of their relative position towards the country in so eventful a period, assumed an elevated and just view of the duties they owed themselves, and the country that sustained them, and adopted a policy characterized for its liberality and correctness. Instead, therefore, of materially restricting their operations and directing their efforts to the single purpose of enlarging their dividends, by an oppressive and rapid collection of their debts, they extended a well-timed indulgence to that portion of the community most sensibly affected by the financial revolutions of the country; and, in doing so, not only secured themselves against any serious loss, but protected from ruin and hopeless bankruptcy, many of the most enterprising and valuable citizens of the State, and at the same time averted from the community the paralizing effects of a too sudden withdrawal of their paper from circulation, the amount of which, in Kentucky, had not, for some years past, exceeded the fair and legitimate demands of the enlarged and expanding business of the State. By this pru-

dent course on the part of the Banks—by the energy of the people and abundant products of the soil, the severity of the shock has been but little felt, the price of property sustained, and the commercial interest of the State protected.

In the month of July last, with remarkable ease and convenience, all the Banks of Kentucky simultaneously resumed the payment of specie, without resorting to an essential curtailment of their circulation or adopting measures towards their debtors burthensome in their operations. These institutions have always, even during the period of the suspension of specie payments, possessed the confidence of the community; and their present condition, combined with the late ordeal through which they have passed with such credit to themselves, has reassured that high degree of confidence, and in public estimation, placed their solvency above suspicion.

By reference to the reports of the Banks, which will shortly be laid before you, it will be discovered that their indebtedness to the United States Bank, and to the General Government, has been greatly diminished, if not entirely liquidated. In the adjustment of these debts, they have been aided by the facilities afforded them in the transfer, to this State, of the Internal Improvement fund on deposite in the city of New York. The Banks, by a change of creditors, have been enabled to domesticate these debts, and thus have been relieved from all apprehension of any material diminution in the amount of their gold and silver, by the demands of individuals or corporations beyond the limits of the State, and by which arrangement their vaults are as abundantly protected as the most cautious could desire.

I recognize in the provision made for the appointment of a standing committee on Banks, a fortunate feature in your legislative proceedings. The cupidity of men, when associated by corporate enactments, for the purpose of conducting moneyed transactions, imperceptibly increases upon them, until the desire for the accumulation of wealth becomes inordinate, and they are not unfrequently led to resort to expedients for enlarging the profits of the institution, unauthorised by its corporate powers, in violation of the intention of its creation, and incompatible with and hurtful to the general interest of the community—hence the importance of the supervision of the legislature, and of a strict and scrutinizing periodical investigation. In making these remarks, it is not intended to cast the least opprobrium upon the conduct or management of any one of the Banks, for so far as I have been enabled to form an opinion, none are now obnoxious to the charge of the slightest violation of their charters. But the public weal requires, that all corporate bodies invested with exclusive privileges, should be regarded with watchful care, their inevitable tendency being, always, rather to enlarge than simply to observe the limits of their legitimate powers.

During the present year much labor has been bestowed upon the various works of internal improvement throughout the State; the different turnpike roads are rapidly advancing to completion, and the latter part of the season has been particularly favourable to the progress of the works upon the rivers; a minute account of which will be reported by the Board of Internal Improvement. When the present contracts are finished, there will be completed, within the State, seven hundred and fourteen miles of turnpike roads, and three hundred and eighteen miles of slack-water navigation. The expenditure of the State in the construction of these roads, up to the tenth of October last, (including two hundred and one thousand nien

hundred and three dollars, paid to the Lexington and Ohio railroad,) has been one million six hundred and eighty two thousand six hundred and sixteen dollars; and the amount required to complete the same is about eight hundred and seventeen thousand three hundred and eighty four dollars. There has been, up to the same period, expended upon the three rivers, Green, Kentucky, and Licking, six hundred and sixty seven thousand two hundred and ninety five dollars and seventy five cents; and the amount required to complete the works upon these rivers, now under contract, is, about one million five thousand six hundred and nine dollars and twenty five cents. The estimated cost of the works already completed, and those at present under contract when completed, is, four millions one hundred and seventy two thousand nine hundred and five dollars; of which sum two millions three hundred and forty nine thousand nine hundred and eleven dollars and seventy five cents have been expended, leaving the sum of one million eight hundred and twenty two thousand nine hundred and ninety three dollars and twenty five cents necessary to their completion. The total cost to the State of the improvements upon the roads and upon the Kentucky river, from its junction with the Ohio to the Three Forks, a distance of two hundred and fifty seven and a half miles—upon the Licking, from its mouth to West Liberty, a distance of two hundred and thirty one miles—and upon Green and Barren rivers, from the mouth of Green river to Bowlinggreen on Barren river, a distance of one hundred and seventy five miles, is estimated at about seven millions three hundred and thirteen thousand four hundred and sixteen dollars—a small amount when compared with the expenditures of other States upon similar objects.

To enter now upon an elaborate argument to prove the importance of a system of internal improvement, or to attempt a detail of the incalculable advantages that must inevitably result from the improvement of the country, after what has been done in Kentucky, would be supererogatory in the extreme. Its advantages and its policy are not now mooted questions. The system is already adopted. The wisdom of previous legislatures, who, in their laudable zeal to advance the interest of the Commonwealth, stept forward and contended with and overcome the opposition that uniformely presents itself in the incipiency of all great enterprises, has left you only the duty of expanding and prosecuting to completion, a policy so well calculated to enrich the State. It is well that the system has been commenced; had Kentucky slumbered to the present time, listless and indifferent to this great work, she would ere long be forced to its adoption by the irresistible influence of surrounding circumstances—by the energy that characterizes the age, and by the example of other States that are, under the influence of the system, so rapidly advancing in wealth, in numerical and political importance. Kentucky cannot stand still; she must sustain herself in her commercial and political relations, and in her social intercourse with her sister republics, not only by adopting, but by carrying out similar measures; otherwise she becomes tributary to those States, and in the same ratio that they advance in prosperity, must she degenerate in physical and political power.

Your patience would be wearied, were I to attempt a history of the progress of internal improvement in other States of the Union, and you would become exhausted, were I to indulge in a detailed statement of the almost incalculable benefits resulting from a policy of the kind, when adopted and

pursued to completion with vigor and energy. Suffer me, however, to refer to a few facts connected with the progress of the system in the State of New York, where the policy has been more thoroughly tested than in any other State in the Union. When Dewitt Clinton, whose name has been immortalized by his untiring efforts in the cause, first prevailed upon the Legisluture to construct the great Erie canal, he was made the object of much contumely and ridicule; his views were pronounced quixotic, and the most profound statesmen of that day esteemed the project utopian and visionary in the extreme, and the enterprise "at least a century in advance of the age." The work, however, progressed to its completion, costing in its construction upwards of seven millions one hundred and forty three thousand dollars. Since which time the debt contracted by the State in the construction of the canal has been extinguished by its net proceeds, and in 1837 ten per centum on the sum was derived from the tolls received, after paying all incidental expenses and repairs. The successful result of this experiment imparted additional energy to the friends of internal improvement, inspirited the disponding, and induced the State fearlessly to embark upon the system. Although much has been done, still is the work progressing, until New York has now completed nine hundred and ninety five miles of canals and railroads, at the cost of nineteen millions four hundred and forty seven thousand seven hundred and eleven dollars,—has in progress eleven hundred and thirty four miles, which will cost, when completed, twenty three millions seven hundred and fifty thousand dollars; and has, in addition, authorized the construction of seventeen hundred and four miles, estimated to cost thirty one millions sixty four thousand dollars. She rests not here, but with the full assurance of the advantages resulting from the system, the last Legislature directed an enlargement of the Erie canal, at an esitmated cost of fifteen millions of dollars. The State of New York now exhibits to the world, the astonishing and almost incredible fact, of a single State not yet numbering sixty five years in her political existence, having within her borders now completed, in progress, and authorized, three thousand eight hundred and thirty three miles of canals and railroads, costing the aggregate sum of eighty nine millions two hundred and sixty one thousand seven hundred and eleven dollars. Thus has New York attained her present elevated position of commercial and political influence, and through her canals and railroads every section of the government is made to contribute to her aggrandizement, establishing her city as the principal mart of the nation—the great focus of American and foreign commerce.

The central position and great natural advantages and resources of Kentucky have never been properly appreciated by her citizens. Until very recently public attention has not been directed to the consideration of these distinctive qualities of the country, and the attention that even now exists, has alone been awakened by the system of internal improvement, which will, in its progress, unavoidably develope the latent wealth of the State. Recent investigations have led to the conclusion, from a data that forbids contradiction, that there are not less than ten millions of acres of coal and iron within the limits of the State, and that Kentucky has more iron and coal than the united kingdoms of England, Scotland and Ireland; notwithstanding which, England makes annually about one million of tons of pig iron, and mines twenty millions of tons of coal, whilst Kentucky only produces eighteen thousand tons of iron and a very inconsiderable quantity of

coal; and yet even at this early period of her political existence, without the artificial advantages of transporting the manufactured article to market, she is the second State in the confederacy in the quantity of iron manufactured. The regular and progressive increase of the quantity of coal offered in market by Pennsylvania, also affords an interesting illustration of the salutary influence of the system of internal improvements upon the products and industry of the community adopting it. In 1820 that State offered, in market, only three hundred and sixty five tons of coal, and in 1837 the amount had increased to eight hundred and seventy four tons, yielding about five millions of dollars; and in 1834, there was invested in the anthracite coal trade alone, upwards of nineteen millions of dollars. After an exhibition of such facts as these, I need scarcely mention that the inexhaustible sources of wealth possessed by Kentucky in her coal, iron, salt, gypsum, hydraulic lime, and other minerals, must necessarily remain dormant and unproductive until the facilities of transportation to market are provided in the improvement of the country. Possessing all these minerals in superabundance, Kentucky is employing, at an immense cost other States, more active and alive to their interest, to furnish her these indispensable articles of daily consumption. The continuation in a course of policy so exhausting and disasterous in its effects upon the pecuniary interest of the State, when it is entirely within her power to will it otherwise, can only be attributable to an inexcusable apathy of the people upon subjects of such vital importance to the community.

That the system of internal improvement will not only be sustained but carried out by Kentucky, must be obvious to all who reflect upon the subject. We are forced to this conclusion by a review of the history of the system elsewhere; and whatever anxiety may be entertained for its rapid progress and expansion, we should at all times be restrained in the management of its details, by the dictates of prudence and the suggestions of reason. It should be remembered that the system, as it progresses, if prudently conducted, must inevitably carry with it to the most sceptical mind the conviction of its importance, and that it will, as the country advances, continue to expand in obedience to the increasing necessities and demands of the people. Influenced by these considerations, the correctness of the opinion expressed in my last annual communication in regard to the expansion of the works beyond the present contracts, is more forcibly impressed upon my mind. I believe that it would be, at this time, highly inexpedient to multiply the objects of improvement until the present contracts are completed, which can be effected before the expiration of 1840, provided the energies of the State are concentrated upon its accomplishment. It is of great importance that the works at present under contract should be hastened to completion, not only that the disaffected may be satisfied of the utility of the system, but that the tolls arising therefrom may come in aid of the Sinking Fund in the payment of the interest upon the increasing debt of the State, otherwise the sums expended remain too long unproductive.

By an act, approved 16th February 1838, further to provide for the internal improvement of the State, the Governor was authorised to borrow one million two hundred and fifty thousand dollars, for internal improvement purposes. At that time this fund was entirely exhausted, and the Board was destitute of the means either to progress with the works or to comply with the obligations of the State to her contractors. That the Executive

might not be wanting in its efforts to sustain the plighted faith of the State, and to avoid the disagreeable necessity of arresting the progress of the works, I determined, at the earliest period, to make an effort to obtain the money by offering the bonds in the eastern market. I, therefore, in March last, dispatched an agent duly authorised to make the negotiation, although but little hope was entertained of his being successful in the mission. At that time the whole circulating medium of the United States was greatly deranged—confidence in the financial ability of the country was destroyed, and but little disposition existed among capitalists to make investments of such magnitude, even in the securities of those States whose character and credit for punctuality had long been established. Contrary, however, to the expectations of all who were familiar with the depressed condition of the stock market, a negotiation was fortunately effected, highly advantageous to the State and creditable to the gentleman making the sale. The contract of sale embraces stipulations well calculated to elevate and establish in European markets, the character and credit of Kentucky, where her securities have been hitherto unknown, and where they are now introduced under the most favorable circumstances. There has already been paid upon the contract nine hundred and fifty thousand dollars, and the remaining three hundred thousand dollars, is payable in three equal instalments on the fifteenth of the present month, and on the first of January and February next. Upon the whole transaction there will be realized, over and above the nominal amount of the bonds, a premium of upwards of thirty five thousand dollars, which, by virtue of the existing laws upon the subject, passes to the Sinking Fund, to be invested by the Commissioners in safe and profitable stocks.

The Sinking Fund is so intimately connected with the system of internal improvement, that the success of the one depends much upon the prosperity of the other. No money can be prudently borrowed for the prosecution of the public works, unless the resources of the Sinking Fund are sufficient to enable the Commissioners to liquidate the semi-annual interest that accrues upon the bonds sold. The ability of the Sinking Fund is at present almost entirely hypothetical—on the first days of January and July of each year the interest upon the bonds of the State is made payable—in January the Commissioners may have at their command ample means to meet the interest then due upon the bonds, and the ability, in prospective, of paying the interest due in July; but so insecure is the basis upon which rests almost every dollar receivable by the Commissioners, that when the period arrives for the payment of the interest, their resources may have failed them—nearly all being precarious, and the collection thereof depending upon contingences which may not happen; in which event the interest upon the bonds must remain unpaid and the obligations of the State unfulfilled, her character for punctuality forfeited, and her credit materially injured. Consequences so disastrous should be effectually guarded against, and to prevent such an occurrence, it is essential that your deliberations should be directed to the importance of providing, from time to time, additional and permanent supplies; which, when added to the present resources of the Fund, will render it more certainly adequate to the increasing demands upon it, and which will at the same time enlarge and expand its means preparatory to the ultimate payment of the principal borrowed. That a result of this kind may be effected, is as demonstrable as any arithmetical

proposition, and to accomplish which requires but your watchful supervision and provident legislation.

The last annual report of the Commissioners of the Sinking Fund, made 14th December 1837, exhibited a balance on hand of sixty six thousand eight hundred and twenty seven dollars and seventy seven cents; since which time there has been received from the various sources tributary to the Fund, the sum of one hundred and sixty eight thousand six hundred and ninety five dollars and seventy eight cents, and expended, the sum of one hundred and eighty eight thousand and six dollars and seventy eight cents, of which expenditure the sum of one hundred and thirty eight thousand nine hundred and ninety seven dollars and twenty five cents, has been invested in the stock of the Northern Bank and Bank of Kentucky, leaving a balance on hand of forty seven thousand five hundred and sixteen dollars and seventy seven cents, from which is to be deducted twenty one thousand five hundred and sixty eight dollars and seventy five cents, the July instalment of interest due to the Board of Education. A more detailed statement of the Fund will be exhibited in the annual report of the Commissioners, which will be laid before you in due time.

By an act of Congress, approved June 1836, the surplus in the Treasury of the General Government, exceeding five millions of dollars, was directed to be deposited with the several States. Under the provisions of this act, Kentucky was entitled to the sum of one million nine hundred and eleven thousand six hundred and seventy six dollars and fifty two cents, three fourths of which has been received by the State. The payment of the fourth instalment, amounting to the sum of four hundred and seventy seven thousand nine hundred and nineteen dollars and thirteen cents, was, by act of Congress bearing date the second of October 1837, postponed until the first of January 1839. Although Congress has expressly reserved the right to withdraw these deposits from the States whenever it should be deemed necessary otherwise to dispose of the funds, it is evident that the intention of Congress, in thus disposing of the surplus revenue, was to make a permanent distribution rather than a temporary loan to the States, and this intention is more particularly indicated in the last enactment upon this subject, in which the power of making the requisition of the money deposited with the States is transferred from the Secretary of the Treasury to Congress itself. It is, therefore, probable that the representatives of the respective States will never direct a different disposition of these deposits, or require the States to refund them. Should the General Government ever require additional means to meet its expenditures, recourse will doubtless be had to other expedients to supply the necessary demand. Whether the present financial condition of the Treasury of the General Government will allow of the payment of the fourth instalment, at the time specified, is so extremley questionable, that it would not be prudent to permit its anticipated reception to have the slightest influence upon your deliberations. Should its payment, however, be promptly made, its distribution is already provided for by an existing law of this State; the sum of one hundred and fifty thousand dollars thereof is dedicated to the "founding and sustaining a general system of public instruction," and will be invested for the benefit of Common Schools; two hundred and four thousand nine hundred and forty nine dollars and forty five cents, five eights of the remainder, is appropriated to the increase of the stock of the State in the fifth million of the capital of the Bank of Ken-

tucky, and one hundred and twenty two thousand nine hundred and sixty nine dollars and sixty eight cents, the residue of this instalment, is placed under the management of the Commissioners of the Sinking Fund, who are directed to invest it in safe and profitable stocks.

In compliance with the request of the Executives of several States, I lay before you, for your consideration, the accompanying copies of the various preambles and resolutions adopted by the Legislatures of their respective States. Among them you will receive the resolutions passed by the Legislature of the State of Georgia, upon the subject of the refusal of the Executive of the State of Maine to deliver up to the Executive authority of Georgia certain fugitives from justice. A report of a joint committee, and resolutions of the Legislature of the State of Connecticut, in relation to the increase of the National Executive patronage; also, resolutions relating to the disposition of the public lands of the United States. A joint preamble and resolutions of the General Assembly of the State of Alabama in favor of the annexation of Texas to the United States of America. A joint preamble and resolutions of the General Assembly of the State of Arkansas in favor of the cession of the public lands, as provided in a bill introduced at a late session of the Congress of the United States, by the Hon. John C. Calhoun. And the resolutions of the State of Ohio in relation to the annexation of Texas to the Union, accompanied by a letter from his Excellency the Governor. That they will all receive that legislative notice and comity due from one republic to another, I am fully assured.

I herewith, also, transmit to you a copy of resolutions adopted by the Legislature of the State of Maine, respecting the franking privilege, together with those passed by the Legislature of the State of Vermont in relation to the same subject. As an object of general interest I would respectfully request your attention particularly to these resolutions. The Post Office Department was originally established for the convenience and benefit of the whole community, and should be made to subserve the purposes for which it was created. It is the only general medium of communication through which legislative and statistical information can be diffused, or the States and citizens apprised of the happening of important national events. It certainly never was designed, by those creating this department of the General Government, that it should be made a source of revenue or of unnecessary taxation of the people. I therefore fully concur in the resolutions adopted by the Legislature of Maine, and have ever believed that a law should be enacted by Congress enlarging the franking privilege, as suggested in those resolutions.

In obedience to a resolution, approved 15th February 1838, requesting the Governor to obtain the manuscript journals of the Conventions held in 1792 and 1799, I have instituted much inquiry and research. I have been enabled to procure a printed copy of the journals of the Convention of 1799, but have not succeeded in obtaining those of 1792, and it is seriously apprehended that the only copies then extant were consumed some years since by the burning of the capitol. I have been fortunate however in securing what is said to be a correct catalogue of the members composing the Convention of 1792, which is herewith transmitted.

By an act of your last session, the annual profits of the State arising from the Penitentiary are appropriated to the Sinking Fund, and the Keeper is required to pay over to the Commissioners of the Sinking Fund the Common-

wealth's portion of the profits that had accrued since he has had charge of the institution. Upon an inspection of the books of the prison, the Commissioners found it necessary, in order to ascertain correctly the exact amount due the State, that the accounts should be examined, and the books properly balanced by disinterested and qualified Clerks. Competent accountants were accordingly engaged, and have been for some time past employed in ascertaining the precise condition of the fiscal affairs of the institution, but as yet have not completed the task. The Keeper has paid over to the Commissioners of the Sinking Fund the sum of five thousand dollars, which he supposes to be about the amount of the cash on hand due the Commonwealth, upon a fair and equitable settlement, and professes his readiness at any time, should it not be equal to the sum ascertained to be due, upon the books being balanced, to pay over the deficit; and represents to the Commissioners that the balance of that proportion of the profits to which the State is entitled, is embraced in the manufactured articles and raw materials on hand, and in the debts now due the institution.

The present law respecting the Penitentiary expires in March next; permit me respectfully to suggest that, in the future management of the institution, the Clerk should be an officer entirely independent of the Keeper; he should be appointed by the Executive, and subject to his removal, whose duty it should be to take exclusive control of the books and accounts of the institution, and to balance them quarterly; and he should be required to execute bond and to take the usual oaths of office. Should this amendment be made, and a salary attached to the office sufficient to command the most competent Clerks of the country, I have no hesitancy in saying that the difficulties that have heretofore presented themselves in the adjustment of the accounts, would be obviated in future.

By a joint resolution, adopted at your last session, the Governor was empowered to appoint some competent person to make a geological reconoissance of the mineral regions of the State. The requirements of the resolution have not been overlooked; a subject of such importance, and one so well calculated to develope the hidden resources of the State, claimed my earliest attention. After making considerable inquiry for an individual eminently competent to the task, I tendered the situation to a gentleman of distinction in his profession, who accepted the appointment, and in a short time thereafter entered upon the duties enjoined upon him in the resolution, and will in due time, I have no doubt, lay before you, in a comprehensive and satisfactory report, the results of his research. It is confidently believed that the mineral resources of Kentucky are equal if not surpassing those of any other State in the Union. The great importance and usefulness of a geological survey to the future advancement of the State, cannot be measured by conjecture. The discoveries made by an extended research of this kind, will lead to results of much greater magnitude than would be supposed upon a superficial view of the subject. It is a well established rule in domestic economy, that whatever can be produced or manufactured at home, should never be purchased abroad; the salutary influence of this maxim applies more forcibly to the management of public affairs than even to the arrangements of the homestead. Immense sums are yearly withdrawn from circulation in Kentucky, to be expended in the purchase, from other States, of coal, iron, salt, and other minerals, and of the various manufactured articles necessary to the comfort, husbandry and machinism of the country, whilst the presumption is, that by a geological survey it would be

clearly illustrated, that the minerals of Kentucky are, not only adequate to the production of all of these articles for home consumption, but would, in their exportation to other States, be a source of annual income to the community greatly exceeding in its amount the revenue of the Commonwealth. It would quicken the energies of the people, direct their industry to new and lucrative branches of business, and induce the investment of much capital in the mining of coal and in the establishment of furnaces and forges for the manufacture of iron and salt—thus affording to many of our citizens much useful and profitable employment. Should, therefore, the expectations so generally entertained of the mineral wealth of the State be realized, there can exist but one opinion as to the propriety of ordering a minute geological survey. When this survey is made, the difficulties that now exist in the transportation of these commodities to market will present the only obstacle to the full enjoyment of the mineral wealth of the State, and which will itself be overcome by the completion of the system of internal improvement.

To enable a deliberative body, clothed with legislative powers, to act understandingly upon any subject whatever, connected with the general advancement and prosperity of the community, it is highly important that it should be minutely informed of the pursuits, products and condition of the country. To abrogate or amend such existing laws as are found burthensome in their requirements, or oppressive in their operations, and to adopt such measures as will promote the interest of the State, it is essential that it should have a correct estimate of the capacities of the country, and be well advised of the inclinations and pursuits of the people; otherwise its action is based upon conjecture, and the measures adopted must consequently be inefficient, and result either in a partial attainment of the end desired, or in total defeat. Suffer me therefore to suggest the propriety of enacting a law by which the amount, kind and value of the agricultural products, of the manufactured articles, of the commerce and the exportation and importation of the State, can be satisfactorily ascertained and reported. By adopting a plan to ascertain and make public these statistical facts, an additional incentive would be imparted to the citizen, the aggregate amount of the business of the country greatly enlarged, and the Legislature enabled to offer, in the passage of wholsome laws, such encouragement as would create a laudable emulation among the people, calculated in its effects, to increase and expand the wealth and industry of the community.

It has become an unpleasant and painful but a necessary duty on my part, to solicit your attention to a subject of vast importance to the peace and tranquility of society, as well as to the security of those rights that belong individually to the citizen. Greatly do I fear, that this happy land is on the brink of a fearful convulsion. The question that now agitates it, urged on by the feelings of infuriated fanaticism, involves the rights and institutions of the whole southern portion of the confederacy. A question more powerful, more reckless, and more menacing, than any that has ever disturbed the tranquility of our peaceful country. It regards no law—it quails at no consequences, although those consequences threaten the dissolution of the political and social ties that bind us together as a nation. Its misguided advocates, driven on by principles at war with the existence of social rights—principles denounced by every patriot—the growth of disordered intellect, and disorganized feeling, stop not to consider either the morality or the

means to further their wild and illegal projects. These men are dangerous, not from their numbers, but from the principles by which they are actuated, and which influences them to action, in defiance of all law, regardless of all consequences, under a feeling of desperation and recklessness that usually characterizes the misguided and the fanatic.

Some of the Abolitionists of an adjoining State, not contented with the mere promulgation of opinions and views, calculated to excite a feeling of disaffection among our slave population, and to render this description of property insecure in the hands of its proprietors, have extended their operations so far as to mingle, personally, with our slaves, to enter into arrangements with them, and to afford them the means and facilities of escape from their owners. This flagitious conduct is not to be tolerated—it must be checked in its origin by the adoption of efficient and energetic measures, or it will, in all human probability, lead to results greatly to be deprecated by every friend to law and good order.

There is a spirit of Abolition now abroad in the land, that threatens fearfully the overthrow of all social intercourse between neighboring States, and is ominous of consequences appalling to every true lover of his country. It is a fact, no longer to be disguised, that the conduct of the Abolitionist, is at war with the acknowledged and legal rights of the citizen—that he tramples under his feet, laws that hold sacred the property of others, and feels no scruple in the commission of a crime, to advance that cause in which he has embarked with such reckless desperation. Kentucky has already exercised too much forbearance on this subject, and the advocates of these doctrines have been emboldened to progress from that which may be considered speculative to practical Abolitionism; or, in other words, from the use of absurd and fanatical arguments, to the actual abduction of our slaves for the purpose of emancipation. The true patriot, the honest and virtuous citizen—he who looks with ardent solicitude to the permanency of our free institutions, and the welfare of the republic—must deeply deplore the existence of an infatuation, in any portion of these United States, producing such results; prostrating so entirely the moral sense of enlightened freemen, and threatening consequences so distructive to those feelings of amity and kindness that ought to pervade every portion of our common country. We had fondly cherished the hope, that the good sense of our countrymen would have ultimately convinced them of the fallacy of these doctrines, and that perceiving their error, they would have abandoned a position, so fatal to the best hopes of the patriot, so false and dangerous in itself, and so obviously inconsistent with the general tranquility and the legal rights of a considerable portion of our citizens. Influenced by this expectation, we have forborne, until forbearance is no longer a virtue. Not now to act would be a criminal disregard of our rights—it would be a dereliction of those high ducies that every citizen owes to himself. The evil is not imaginary, but has texhibited itself in a tangible shape, and must be encountered. This demon-like-spirit that rages uncontrolled by law, or sense of moral right, must be overcome—it must be subdued; its action in this State should be prohibited under such penalties as will effectually curb its lawlessness and disarm its power.

Property in slaves is guarantied to the citizen of this State by the laws and the constitution. He holds his slave by the same tenure that he holds all other property. He has as strong a demand upon the laws for the pro-

tection of this right as for the protection of any other. The laws should, therefore, be made adequate to this purpose, and this can only be effected in opposition to that feeling of fanaticism to which I have alluded, by inflicting capital punishment upon every individual who is instrumental in aiding or assisting a slave from this to any other State. We are exposed to losses of this kind upon the whole of our northwestern boundary; the facilities, therefore, afforded for the perpetration of this crime are numerous, and its suppression requires enactments of proportionate severity. In the faithful discharge of my official duty, I am required to protect the citizen in the enjoyment of his property, and in the accomplishment of this end, if milder means will not answer, I shall feel constrained to call into requisition every power with which I am invested by the laws and the constitution.

Permit me, respectfully, to mention the propriety of an enactment to prevent the propagation in this State of the views and arguments of the Abolitionists. They are professedly circulated for the conviction of the master, but really intended to operate on the slave. Why should a man be tolerated in the publication of opinions dangerous and ruinous to the security of my right to property, and at the same time be restrained from a publication injurious to my character? It is true that the Abolitionist holds this to be an abridgment of the freedom of opinion—but does not common sense teach all men, that if it be wrong to injure the character of his neighbor, by the circulation of slander against him, that it is equally wrong to circulate opinions injurious to any other right secured him by law, and the tendency of which is to put that right in jeopardy? No reason is necessary to demonstrate a proposition so entirely self-evident; and upon those, upon whom the voice of reason is lost and remonstrance makes no impression, no salutary influence can be exercised, except through the medium of the apprehension of direct and certain punishment.

The subject of general education is at this time attracting the attention of almost every civilized nation upon the globe. Many of the European powers are now earnestly engaged in the diffusion of useful knowledge, and are lending all their energies to the building up of a well digested system of Common Schools. Notwithstanding the correctness of the principle, "that a despotism is supported by *fear*, a republic by *virtue*," monarchs, in their great anxiety to augment the happiness of the human family, are endangering the permanency of their thrones, in the enlightenment of their subjects. In Prussia, in 1828, it is estimated that there were one million nine hundred and twenty three thousand two hundred children between seven and fourteen years of age, thirteen of every fifteen of whom were educated in her public schools. In Austria and Germany, scarcely a child can be found that has not received the benefits of public instruction. Sweden has the reputation of being the best educated nation on earth. Even Russia, heretofore considered as the most illiterate and abject nation in christendom, is actively engaged in establishing and dispensing the blessings of a system of Common Schools. In the United States much has been done; a large majority of the States have adopted their systems of public instruction, and the attention of all is now directed to this important subject. In the State of New York, in 1836, there were reported to be five hundred and sixty three thousand eight hundred and eighty two children between five and sixteen years of age, and of this number five hundred and twenty four thousand one hundred and eighty eight were at school. In Connecticut it is stated that ninety one

thousand six hundred and sixty six, of a population of two hundred and seventy five thousand, attended free schools. The States of Massachusetts, Connecticut, New York, Ohio, and several other States, have already established and in operation a very general and expanded system of Common Schools; whilst in almost every other State the system is in the progress of successful organization. Kentucky has, under very auspicious circumstances, just commenced her efforts in this great cause, and it is ardently hoped that she will not linger upon the threshold, but march onward with a determination and energy that will ensure the establishment of a permanent system of Common Schools; her citizens, in a most eminent degree, require all the advantages of a well regulated system. By the census of 1830, it appears that there were then in Kentucky one hundred and forty six thousand nine hundred and thirty one children between five and fifteen years of age; the number now may be fairly estimated at one hundred and seventy five thousand; the probable number of uninstructed children within the State may be arrived at, from the computation of those most familiar with the subject, that at least one third of the adult population of the State are unable to write their names; truly a most mortifying estimate, and one that should elicit the most vigorous and energetic legislation.

The freedom and equality of the citizen, one of the fundamental principles of the government, can only be maintained through the benign influence of moral education. Knowledge is as essential to civil freedom, as the general distribution of arms to military equality. It is the influence of education over the mind that enables man to gain the splendid triumph of reason over passion—of justice over prejudice—of liberty over despotism. No intellectual freedom can be long enjoyed—no government, based upon the broad principles of republicanism, can long be sustained, or the liberty of its citizens perpetuated, whilst the great body of the people remain uneducated. If we turn to the history of the past and direct our inquiries to the moving causes of the decline and subversion of ancient governments, we are answered—when learning declined, their liberty degenerated—when education fell into disrepute, tyranny made its appearance—we see those beautiful models of free governments exchanging their boasted independence for abject slavery—we find proud and magnificent Athens falling into ruins—stern and inflexible Sparta yielding her iron laws of equality, and Rome, with all her potency, succumbing to designing demagogues, because of the decay of knowledge, and the neglect of intellectual cultivation. The history of the past, portends the events of the future. Without a general dissemination of useful education, both physical and moral, all nations must live and expire in ignoble obscurity; it is as essential to the perpetuity of republics as heat to the vegetation of the earth; for freedom, like intense fire, can only be kept alive by continued watchfulness—by continued effort, every patriotic exertion imparting to it new vigor, and in the ratio that it burns, it expands and brightens into a purer flame. None doubt the capacity of the people to manage and direct the affairs of a nation; their ability for self government is amply illustrated in the history of our own republic; but the great difficulty to encounter in the successful presentation of any great enterprise is, in arousing the sleeping energies of the State, in awakening the people to its importance, and in enlightening them, by placing all the facts before them, to dispell that morbid sensibility and consequent distrust and apprehension that, too frequently, either defeats or retards the progress of the mental and physical improvement of the country.

The Superintendent of Common Schools has been actively engaged in the discharge of the arduous duties appertaining to his office. As much has been done to forward the establishment of the system as could have been reasonably expected in so short a time. It was not contemplated that an enterprise of such magnitude and so extended and minute in its details could be matured in one or even ten years. Its reception by the people has been as favorable as its most zealous friends anticipated, scarcely a division of opinion manifesting itself in regard to the great importance of a general diffusion of education, and no principle seems to be more universally admitted correct, than that the durability of all free governments depends upon the intelligence and virtue of the people. When objections have been urged, they were not against the principle of education, but against the specified plan and provisions of the present law. The Legislature, in adopting the system, were fully apprized of the impracticability of framing a law free from objections. In the effort that has been made to carry this law into operation, it has been found defective in several particulars. It will be recollected that by an enactment of 23d February 1837, it was made the duty of the Commissioners of tax to ascertain and express on their books the number of free white children between the ages of five and eighteen years; this provision of the law has not been complied with, in consequence of which failure, the Board of Education have been unable to ascertain the amount due from the School Fund to any county or district, and no apportionment could, therefore, be made to the districts that have moved in the system, until the whole number of children within the State, between the proper ages, was ascertained. The law is defective in its provisions in relation to the Commissioners of counties; by their failure to act, the progress of the system is entirely arrested in the county in which they are appointed; the duties required of them are very onerous, they receive no compensation for their services, and consequently their co-operation is most generally withheld. Without the existence of a strong public sentiment in favor of the system, the inducement offerred in the amount contributed by the State, is too small to excite the citizens to its adoption. The great obstacle to the establishment of Common Schools is, however, not so much the defects of the law as the apathy of the people. No law can be efficient unless the people are impressed with the importance of its faithful execution, and in the introduction of all great enterprises, public opinion must preceed and not follow the efforts to establish it; public opinion in this country being supreme, both in leading to the passage and in willing the repeal of law. A system that is to endure for ages requires time to mature; experience alone, therefore, can perfect the system, and were it possible now to offer a plan entirely faultless in its provisions, it would not be immediately adopted by the people: the subject is new to them, and the public mind must be first aroused and enlightened in regard to its operations and influences upon the general weal of the country. Many misconceptions of the law and its objects have doubtless been adopted and prejudices formed, which should be explained and overcome. These errors and prejudices can only be effectually corrected by the Superintendent, in person, presenting the subject directly before the people in popular asssemblies. It should, therefore, be made his duty to visit every section of the State, to call public meetings in the county towns and neighborhoods, and to deliver addresses explanatory of the law and of the benefits resulting to the country from the establishment of Com-

mon Schools; thus public attention would be directed to the subject, and the co-operation of all favorable to the system secured. The present salary is inadequate to secure the undivided attention of a Superintendent competent to the arduous and responsible duties of the office. So much of the success of the system depends upon this officer, that the salary should be sufficient to command the services of the most enlightened, active and efficient agent. The system must ultimately be established, and when once in successful operation, it will be highly acceptaple to the people; but it requires much labor and patience, time and perseverance. Other States have encountered and overcome all difficulties, and are now reaping the reward of their assiduity—Kentucky, with as much patriotism, energy and decision of character, I am fully persuaded can do the same.

JAS. CLARK.

December 4, 1838.

[*For Documents accompanying the Governor's Message—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 5000 copies of said Message, for the use of the members of this House.

Mr. Simeon H. Anderson moved the following resolutions, viz:

*Resolved*, That, in the opinion of this House, Thomas F. Marshall, the member returned from the county of Woodford, was ineligible as a Representative, at the time of his election, on account of a want of such residence in the county of Woodford, for one year preceding the election, as is required by the Constitution—and, consequently, the election held in said county in the year 1838, does not entitle said member to take his seat.

*Resolved*, That the Speaker of this House be authorized to issue a writ of election immediately, requiring and authorizing an election to be held in Woodford county, on the 10th, 11th and 12th days of December, 1838, to fill said vacancy.

Which being twice read, were adopted.

Mr. McElroy moved the following resolution, viz:

*Resolved*, That so much of the Governor's Message as relates to the subject of Abolition, be referred to a select committee; and that they report upon that subject, either by bill, resolution, or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Thornburg—1. A bill for the benefit of the Sheriff of Estill county.

On motion of Mr. Edmonson—2. A bill to incorporate a Company to build a bridge across Green river at Munfordsville, and for other purposes.

On motion of Mr. Goodson—3. A bill to amend the Charter of the City of Covington.

Also—4. A bill for the benefit of Mary Ann Sellers and Sarah Elizabeth Sellers.

On motion of Mr. Wintersmith—5. A bill to incorporate the West Point Bridge Company.

On motion of Mr. Thomas—6. A bill for the benefit of John W. Flora.

On motion of Mr. McElroy—7. A bill to incorporate the Livingston County Coal Mining and Insurance Company.

On motion of Mr. Morris—8. A bill for the benefit of the Sheriff of Clay county.

On motion of Mr. Wade—9. A bill to authorize the entry of vacant fractions of land, in the land district west of the Tennessee river.

Messrs. Thornburg, McElroy, Royston and Fox, were appointed a committee to prepare and bring in the first; Messrs. Edmonson, Wintersmith, McElroy and Todd, the second; Messrs. Goodson, Swope, Thomas and Field, the third; Messrs. Goodson, Swope and Thomas, the fourth; Messrs. Wintersmith, McElroy and Meriwether, the fifth; Messrs. Thomas, Swope and Goodson, the sixth; Messrs. McElroy, Hughes and Mims, the seventh; Messrs. Morris, Buford, White and Fox, the eighth; and Messrs. Wade, Pirtle and McFall, the ninth.

And then the House adjourned.

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## WEDNESDAY, DECEMBER 5, 1838.

1. Mr. Simeon H. Anderson presented the petition of John F. Conn, praying a change of venue in a criminal prosecution pending in the county of Rockcastle against him, to the county of Garrard.

2. Mr. White presented the petition of Andrew Craig, praying to be divorced from his wife Hannah W. Craig.

3. Mr. Field presented the petition of Thomas Hite, praying the passage of a law, reimbursing him the sum of $68 75, the amount of his revenue tax for the year 1837, which was twice paid.

4. Also, the petition of the Baptist General Association, praying a modification of the charters of the several turnpike road companies in this Commonwealth.

5. Mr. Graham presented the petition of Henry C. Thomas, praying the passage of a law, allowing him compensation for conveying a lunatic to the Hospital at Lexington.

6. Mr. Gano presented the petition of the heirs of Austin Bradford, deceased, praying the passage of a law, authorizing a sale of the real estate of said deceased.

7. Mr. McClure presented the petition of Eliza Grider, praying a divorce from her husband, William Grider.

mon Schools; thus public attention would be directed to the subject, and the co-operation of all favorable to the system secured. The present salary is inadequate to secure the undivided attention of a Superintendent competent to the arduous and responsible duties of the office. So much of the success of the system depends upon this officer, that the salary should be sufficient to command the services of the most enlightened, active and efficient agent. The system must ultimately be established, and when once in successful operation, it will be highly acceptaple to the people; but it requires much labor and patience, time and perseverance. Other States have encountered and overcome all difficulties, and are now reaping the reward of their assiduity—Kentucky, with as much patriotism, energy and decision of character, I am fully persuaded can do the same.

JAS. CLARK.

December 4, 1838.

[*For Documents accompanying the Governor's Message—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 5000 copies of said Message, for the use of the members of this House.

Mr. Simeon H. Anderson moved the following resolutions, viz:

*Resolved*, That, in the opinion of this House, Thomas F. Marshall, the member returned from the county of Woodford, was ineligible as a Representative, at the time of his election, on account of a want of such residence in the county of Woodford, for one year preceding the election, as is required by the Constitution—and, consequently, the election held in said county in the year 1838, does not entitle said member to take his seat.

*Resolved*, That the Speaker of this House be authorized to issue a writ of election immediately, requiring and authorizing an election to be held in Woodford county, on the 10th, 11th and 12th days of December, 1838, to fill said vacancy.

Which being twice read, were adopted.

Mr. McElroy moved the following resolution, viz:

*Resolved*, That so much of the Governor's Message as relates to the subject of Abolition, be referred to a select committee; and that they report upon that subject, either by bill, resolution, or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Thornburg—1. A bill for the benefit of the Sheriff of Estill county.

On motion of Mr. Edmonson—2. A bill to incorporate a Company to build a bridge across Green river at Munfordsville, and for other purposes.

On motion of Mr. Goodson—3. A bill to amend the Charter of the City of Covington.

Also—4. A bill for the benefit of Mary Ann Sellers and Sarah Elizabeth Sellers.

On motion of Mr. Wintersmith—5. A bill to incorporate the West Point Bridge Company.

On motion of Mr. Thomas—6. A bill for the benefit of John W. Flora.

On motion of Mr. McElroy—7. A bill to incorporate the Livingston County Coal Mining and Insurance Company.

On motion of Mr. Morris—8. A bill for the benefit of the Sheriff of Clay county.

On motion of Mr. Wade—9. A bill to authorize the entry of vacant fractions of land, in the land district west of the Tennessee river.

Messrs. Thornburg, McElroy, Royston and Fox, were appointed a committee to prepare and bring in the first; Messrs. Edmonson, Wintersmith, McElroy and Todd, the second; Messrs. Goodson, Swope, Thomas and Field, the third; Messrs. Goodson, Swope and Thomas, the fourth; Messrs. Wintersmith, McElroy and Meriwether, the fifth; Messrs. Thomas, Swope and Goodson, the sixth; Messrs. McElroy, Hughes and Mims, the seventh; Messrs. Morris, Buford, White and Fox, the eighth; and Messrs. Wade, Pirtle and McFall, the ninth.

And then the House adjourned.

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## WEDNESDAY, DECEMBER 5, 1838.

1. Mr. Simeon H. Anderson presented the petition of John F. Conn, praying a change of venue in a criminal prosecution pending in the county of Rockcastle against him, to the county of Garrard.

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4. Also, the petition of the Baptist General Association, praying a modification of the charters of the several turnpike road companies in this Commonwealth.

5. Mr. Graham presented the petition of Henry C. Thomas, praying the passage of a law, allowing him compensation for conveying a lunatic to the Hospital at Lexington.

6. Mr. Gano presented the petition of the heirs of Austin Bradford, deceased, praying the passage of a law, authorizing a sale of the real estate of said deceased.

7. Mr. McClure presented the petition of Eliza Grider, praying a divorce from her husband, William Grider.

8. Mr. Ballard presented the petition of Jeremiah K. Sullivan, praying a divorce from his wife, Mary Sullivan.

9. Mr. Trumbo presented the petition of George Knox, praying the passage of a law allowing him compensation for services rendered as a commissioner of tax in Bath county, for the year 1837, previous to the change in the law upon the subject.

10. Mr. Ballard presented the petition of sundry citizens of Oldham and Trimble counties, praying the establishment of a new county out of parts of said counties.

11. Mr. McElroy presented the petition of sundry citizens of Union county, praying the formation of a new county out of parts of said county and the counties of Caldwell, Livingston and Hopkins.

12. Also, the petition of sundry citizens of Caldwell county, praying for the same object.

13. Mr. Wade presented the petition of James Henson and others, praying the passage of a law changing that part of the State road from Waidsboro' to Eddyville, which passes through said Henson's land.

14. Mr. Field presented the petition of Thomas B. Smith, with depositions accompanying the same, praying a divorce from his wife, Mary Ann Smith.

15. Mr. Apperson presented the petition of James and Melvin McKee, committee for James L. Todd, a lunatic, praying the passage of a law authorizing a sale of the real estate of said lunatic.

16. Mr. McElroy presented the petition of John Waller, committee for Maria Waller, an idiot, praying the passage of a law authorizing a sale of the interest of said idiot in certain real estate.

17. Mr. Bledsoe presented the petition of Thomas Brand, praying the passage of a law allowing him compensation for a slave who was arrested under a charge of murder, and condemned to be hung, and who escaped from jail after a new trial had been granted.

18. Mr. Ellison presented the petition of James Smith, and others on his behalf, praying the passage of a law authorizing him to retail spirituous liquors.

19. Mr. Buford presented the petition of Solomon Garland, praying to be divorced from his wife, Polly Garland.

20. Mr. Brooks presented the petition of James Babcock, praying that a law may pass, changing his name to that of James Austin.

21. Mr. Coffey presented the petition of John Jones, praying the passage of a law permitting his black boy to carry a gun.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 4th, 15th, 16th and 22d, to the committee for Courts of Justice; the 2d, 7th, 8th, 14th, and 19th, to the committee on Re-

ligion; the 3d, 5th, 9th and 17th, to the committee on Claims; the 6th to a select committee of Messrs. Gano, Rodes, Morehead and Bledsoe; the 10th, 11th and 12th, to the committee on Propositions and Grievances; the 13th, to a select committee of Messrs. Wade, Pirtle, McFall and Lecompte; the 18th to the committee on Ways and Means; and the 20th to a select committee of Messrs. Brooks, Swope, Goodson and Thomas.

Mr. Reeves presented the petition or memorial of a Convention which assembled at Hopkinsville, upon the subject of the establishment of a Southern Bank, to be located south of Green river.

Which was received, read, and referred to a select committee of Messrs. Reeves, Field, McElroy, Basye, Rudd, Buckner, Mims, B. E. Gray, and Trimble.

On motion of Mr. Butler,

*Ordered*, That the Public Printer forthwith print 150 copies of said petition or memorial for the use of the members of this House.

Leave was given to bring in the following bills, viz:

On motion of Mr. Brooks—1. A bill to incorporate the Trustees of the Republican Schoolhouse in Bracken county.

On motion of Mr. Allen—2. A bill for the benefit of the Sheriffs of Breckinridge and Hancock counties.

On motion of Mr. Newton—3. A bill for the benefit of Richard C. Jett, Sheriff of Daviess county.

On motion of Mr. Thornburg—4. A bill for the benefit of Robert R. Berry.

On motion of Mr. Blair—5. A bill to change the place of voting in the Mullikin Precinct in the county of Fleming.

On motion of Mr. Rodes—6. A bill to confer Banking privileges on the Charleston, Cincinnati and Louisville Rail Road Company.

On motion of Mr. Simeon H. Anderson—7. A bill for the benefit of the Sheriff of Garrard county.

On motion of Mr. Alfred Anderson—8. A bill providing for the apprehension of such persons as have committed offences in other States, and are found in this.

On motion of Mr. Wintersmith—9. A bill to incorporate the town of Elizabethtown.

On motion of Mr. Field—10. A bill concerning the Kentucky Historical Society.

On motion of Mr. Butler—11. A bill to alter and amend the law regulating the registration of mortgages and deeds of trust.

On motion of Mr. Hughes—12. A bill for the benefit of Richard Crue.

On motion of Mr. B. F. Gray—13. A bill for the benefit of the Sheriff of Logan county.

On motion of Mr. Browder—14. A bill for the benefit of William Kercheville, of Logan county.

On motion of Mr. Fox—15. A bill allowing the county of Madison two additional Justices of the Peace.

On motion of Mr. Apperson—16. A bill to establish Courts of Probate in this Commonwealth.

On motion of Mr. Rowlett—17. A bill for an appropriation to erect a bridge across main Eagle creek.

On motion of Mr. Buford—18. A bill for an appropriation of a sum of money to the Goose Creek Salt Works' road.

Also, 19. A bill to amend the law in relation to riots, routs, &c.

On motion of Mr. McClure—20. A bill to exempt from militia duty all persons under the age of twenty one years, and for other purposes.

On motion of Mr. McElroy—21. A bill to incorporate the town of Francisburg, in the county of Union.

On motion of Mr. Coffey—22. A bill to change the names of Mary Ann and Abigail Ann Brumley, and for other purposes.

Also, 23. A bill to allow an additional week to the spring term of the Wayne Circuit Court.

On motion of Mr. White—24. A bill to improve the navigation of Cumberland river, from the mouth of Laurel to the falls.

Also, 25. A bill to allow two additional Justices of the Peace and one Constable to Whitley county.

Messrs. Brooks, Swope, Goodson and Thomas, were appointed a committee to prepare and bring in the first; Messrs. Allen, McElroy, Wintersmith and B. E. Gray, the second; Messrs. Newton, Hopkins and Allen, the third; Messrs. Thornburg, Meriwether and McElroy, the fourth; Messrs. Blair, Andrews, Trumbo and Goble, the fifth; Messrs. Rodes, S. H. Anderson, Clay, Trimble, L. B. Smith, Shanklin, White and Goodson, the sixth; Messrs. S. H. Anderson, Shanklin, Hardy and Bodine, the seventh; the committee for Courts of Justice, the eighth, twelfth, nineteenth and twenty third; Messrs. Wintersmith, Cofer and Slaughter, the ninth; Messrs. Field, Butler and Pope, the tenth; Messrs. Butler, Field, Pope, Buckner and S. H. Anderson, the eleventh; Messrs. B. E. Gray, Bradshaw and Reeves, the thirteenth; Messrs. Browder, B. E. Gray and Todd, the fourteenth; Messrs. Fox, Royston, White and Buford, the fifteenth; Messrs. Apperson, Trimble, Andrews, Morehead and Harris, the sixteenth; Messrs. Rowlett, Wade, Lecompte, Root and Pirtle, the seventeenth; the committee on Internal Improvement, the eighteenth; Messrs. McClure, Jasper, Riffe, Dohoney and Coffey, the twentieth; Messrs. McElroy, Wintersmith and Edmonson, the twenty first; Messrs. Coffey, McElroy and Bradley, the twenty second; Messrs. White, Buford and Jasper, the twenty fourth; and Messrs. White, Buford and Cofer, the twenty fifth.

Mr. Morehead moved the following resolution, viz:

*Resolved*, That Thomas J. Todd be permitted to take a seat within the bar of this House, for the purpose of reporting its proceedings for "The Commonwealth."

Which being twice read, was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Goodson--1. A bill to amend the Charter of the City of Covington.

By same—2. A bill for the benefit of Mary Ann Sellers and Sarah Elizabeth Sellers.

By Mr. Thornburg—3. A bill for the benefit of the Sheriff of Estill county.

By Mr. Harris—4. A bill to complete the State road from Mountsterling, by way of Prestonsburg, to the Virginia line.

By Mr. McElroy—5. A bill to incorporate the Livingston Coal Mine and Insurance Company.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with—the first and second were severally ordered to be engrossed and read a third time—the third was committed to the committee on Ways and Means; the fourth to the committee on Internal Improvement, and the fifth to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the first and second bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bradley asked leave to introduce a bill to take the sense of the people of this Commonwealth as to the propriety of calling a Convention to revise the Constitution.

Mr. Reeves moved that the same be laid on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bradley and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Redd, |
| Messrs. Allen, | Goble, | Reeves, |
| Anderson, A. | Gough, | Ritter, |
| Apperson, | Graham, | Rodes, |
| Bailey, | Gray, B. E. | Root, |
| Ballard, | Gray, N. E. | Rowlett, |

| | | |
|---|---|---|
| Basye, | Haggard, | Royston, |
| Bledsoe, | Hardy, | Rudd, |
| Bodine, | Heady, | Shanklin, |
| Bradshaw, | Hopkins, | Sharpe, |
| Brooks, | Howard, | Slaughter, |
| Browder, | Hughes, | Smith, I. |
| Buford, | Jasper, | Smith, L. B. |
| Bullock, | Johnson, | Sutton, |
| Burden, | Latimer, | Swope, |
| Butler, | McBrayer, | Taggart, |
| Clay, | McClung, | Thornburg, |
| Coleman, | Mclure, | Todd, |
| Cofer, | Meriwether, | Trimble, |
| Combs, | Mims, | Trumbo, |
| Cornish, | Morehead, | Waddle, |
| Daviess, | Myers, | Walker, |
| Edmonson, | Newell, | White, |
| Ellison, | Newton, | Wintersmith, |
| Field, | Pope, | Yates—77. |
| Fox, | Purdy, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Goodson, | O'Bannon, |
| Blair, | Harris, | Pirtle, |
| Bradley, | Lecompte, | Riffe, |
| Coffey, | McElroy, | Rowan, |
| Dohoney, | McFall, | Thomas, |
| Finn, | Morris, | Wade—18. |

Mr. Trimble moved the following resolution, viz:

*Resolved*, That a Standing Committee be appointed, to be called "The Committee on Local and Private Bills."

*Ordered*, That the same be laid on the table for the present.

And then the House adjourned.

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## THURSDAY, DECEMBER 6, 1838.

On motion of Mr. S. H. Anderson,

*Ordered*, That two be added to the Committee for Courts of Justice, in addition to the number now composing said committee.

*Ordered*, That a Committee of Propositions and Grievances be appointed: and a committee was appointed, consisting of Messrs. Bledsoe, Edmonson, Thomas, Royston, Latimer, Newell and Walker; who are to meet and

adjourn from day to day, and take into consideration all propositions and grievances which may legally come before them and all such matters as shall, from time to time, be referred to them, and report their proceedings to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee of Privileges and Elections be appointed: and a committee was appointed, consisting of Messrs. Swope, Howard, Burden, Morris, Hughes, Ellison and Gough; who are to meet and adjourn from day to day, and take into consideration and examine all returns for members returned to serve in this House during the present session of the General Assembly, and all questions concerning privileges and elections, and report their proceedings, with their opinion thereon, to the House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Claims be appointed: and a committee was appointed, consisting of Messrs. Pope, Trumbo, Coleman, Sharpe, Mims, Combs and Newton; who are to meet and adjourn from day to day, and take into consideration all public claims, and all other matters that may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee for Courts of Justice be appointed: and a committee was appointed, consisting of Messrs. Buckner, Sprigg, McElroy, Morehead, Butler, Andrews, Wintersmith, Hopkins and Apperson; who are to meet and adjourn from day to day, and take into consideration all matters relating to Courts of Justice, and such other as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee are to inspect the Journal of last session, and draw up a statement of the matters there pending and undetermined, and the progress made therein; also, to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are now expiring, and report the same to the House, with their opinion thereon, which of them ought to be renewed and continued; and the said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Religion be appointed: and a committee was appointed, consisting of Messrs. Rodes, Browder, Haggard, I. Smith, Cofer, Bradshaw and McBrayer; who are to meet and adjourn, from time to time, and to take into consideration all matters and things relating to Religion and Morality, and such others as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee of Ways and Means be appointed: and a committee was appointed, consisting of Messrs. Meriwether, McClung, Rudd, L. B. Smith, Allen, Purdy and Ballard; who are to meet and adjourn from day to day, and take into consideration the Revenue Laws of this Commonwealth, and all other matters and things relative to, or connected with, the fiscal concerns thereof, and such other as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. S. H. Anderson, Field, Todd, Slaughter, Hopkins, Coffey, Ritter, Goodson, Gano, White, B. E. Gray and Harris; who are to meet and adjourn from day to day, and take into consideration all such matters and things relating to the improvement of the condition of the country by roads and canals, and such other as may legally come before them, or be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Education be appointed: and a committee was appointed, consisting of Messrs. Clay, N. E. Gray, Buford, Johnson, A. Anderson, Bullock and Daviess; who are to meet and adjourn from day to day, and take under consideration all matters and things relating to Education and the subjects immediately connected therewith, and such other as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Military Affairs be appointed: and a committee was appointed, consisting of Messrs. O'Bannon, Bradley, Brooks, Riffe, McFall, Sutton and Rowlett; who are to meet and adjourn from day to day, and take into consideration the militia laws of this Commonwealth, and all other matters and things relating to the militia, and such other as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on the Expenditures of the Board of Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. A. Anderson, McClure, Heady, Graham, Taggart, Bodine and Ellison; who are to meet and adjourn from day to day, and take into consideration all matters in relation to the expenditures of money by the Board of Internal Improvement, and such other matters as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on the Penitentiary be appointed: and a committee was appointed, consisting of Messrs. Apperson, Waddle, Finn, Fox, Hardy, Redd and Bailey; who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to the Penitentiary, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Agriculture and Manufactures be appointed: and a committee was appointed, consisting of Messrs. Blair, Dohoney, Wade, Cornish, Myers, Pirtle and Root; who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to agriculture and manufactures, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on Banks be appointed: and a committee was appointed, consisting of Messrs. Trimble, Reeves, Lecompte and Basye; who are to meet and adjourn from day to day, and examine within the first thirty days of the session, the condition of all the Banks in the State, the amount of loans on the aggregate, and the proportion to the country, cities and towns, and the amount loaned to the Directors, and their liabilities on bills of exchange, and the several amounts the fifty highest debtors owe in the cities; and inquire into, and report all facts necessary to a complete understanding of their management, and such other matters in relation thereto, as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on the Sinking Fund be appointed: and a committee was appointed, consisting of Messrs. Morehead, Trimble, Yates, Shanklin and Goble; who are to meet and adjourn from day to day, and take under consideration all matters in relation to the Sinking Fund, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on the Library be appointed: and a committee was appointed, consisting of Messrs. Allen, Buford, N. E. Gray, Yates, Redd and Jasper; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to the Public Library, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said com-



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mittee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a Committee on the Public Offices be appointed: and a committee was appointed, consisting of Messrs. Field, Todd, Meriwether and Hardy; who are to meet and adjourn from day to day, and examine into the public offices, and report their situation and their proceedings, together with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That Messrs. Shanklin, Jasper, Rowan, Thornburg, Apperson, McClure and Trumbo be appointed a Committee of Enrollments on the part of this House; and that Mr. Shanklin inform the Senate thereof.

1. The Speaker laid before the House the petition and other documents accompanying the same, of Louisa Angelina Read, praying a divorce from her husband, Robert Read—together with depositions on the part of said Robert, against the same.

2. Mr. Mims presented the petition of Anna Rogers, praying the passage of a law authorizing her to sell a slave devised to her by her husband.

3. Mr. Hopkins presented the petition of Horace M. Green, praying a divorce from his wife, Eliza Jane Green.

4. Mr. Jasper presented the petition of Wm. Denham and Elizabeth Jasper, administrator of Thomas Jasper, deceased, praying the passage of a law authorizing a sale of a sufficiency of the real estate of said deceased, to pay his debts.

5. Also, the petition of Lucy Graves, praying to be divorced from her husband, Thomas Graves.

6. Mr. Field presented the petition of Henry G. A. Blankman, praying the passage of a law relieving him from the restriction contained in a decree of the Chancery Court of Louisville, granting him a divorce from his wife.

7. Mr. Buckner presented the petition of Eliza H. Bush, praying a divorce from her husband, Elkanah B. Bush.

8. Mr. N. E. Gray presented the petition of Nancy L. McCullock, praying to be divorced from her husband, C. W. McCullock.

9. Mr. Basye presented the petition of Joseph Shropshire, praying to be divorced from his wife, Dorcas Shropshire.

10. Mr. Royston presented the petition of Wm. H. Bronston, praying to be divorced from his wife, Susan Bronston.

11. Mr. McClure presented the petition of Washington Sherer, praying to be divorced from his wife, Letitia Sherer.

12. Mr. Coffey presented the petition of sundry citizens of Clinton county, praying the passage of a law allowing an additional Constable to said county.

13. Also, the petition of Hiram Phillips, praying the passage of a law permitting him to import three slaves from Tennessee into this State.

14. Mr. Browder presented the petition of Mary Summons, praying the passage of a law divorcing her from her husband, Gilliam Summons.

15. Mr. Bledsoe presented the petition of sundry citizens on behalf of Mary Kimes, praying the passage of a law allowing compensation to her for taking care of her son, who is an idiot.

16. Mr. McElroy presented the petition of William Teer and Catharine Teer, praying the passage of a law legitimatizing their children.

17. Mr. Goble presented the petition of a committee on behalf of the Louisa Literary Society, praying the passage of a law incorporating the same.

18. Mr. Bradley presented the petition of Elisha C. Hamton, praying the passage of a law releasing the officers of the 76th Regiment from accounting for a musket and its necessary apparatus, which were burnt in his house.

19. Mr. Taggart presented the petition of Jesse Gray, praying the passage of a law authorizing a sale of the slaves and real estate belonging to his infant children.

20. Mr. Hughes presented the remonstrance of sundry citizens of Livingston county, against the formation of a new county out of part of said county.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 14th, to the committee on Religion; the 2d, 4th, 13th, 16th and 19th, to the committee for Courts of Justice; the 12th, to a select committee of Messrs. Coffey, Ellison and Bradley; the 15th, to the committee on Claims; the 17th, to the committee on Education; the 18th, to the committee on Military Affairs; and the 20th, to the committee on Propositions and Grievances.

The Speaker laid before the House the annual report of the Agent and Keeper of the Penitentiary.

[*For this report—see Appendix.*]

Leave was given to bring in the following bills, viz:

On the motion of Mr. Dohoney—1. A bill making an appropriation to build a bridge across Russell's Creek, in Adair county, where the road from Greensburg to Burksville crosses it.

On the motion of Trumbo—2. A bill authorizing the Register to issue a Patent in the name of Barnabas Wing.

Also—3. A bill for the benefit of Marcus Thomas, of Bath county.

On motion of Mr. Riffe—4. A bill to change the name of Eliza Hancock to that of Eliza Clark.

On motion of Mr. S. H. Anderson—5. A bill for the benefit of the Trustee of the Jury Fund in Garrard county.

On motion of Mr. Hopkins—6. A bill to release from forfeiture and remit the taxes on certain lands belonging to the estate of George Morris, dec'd.

On motion of Mr. Meriwether—7. A bill to repeal the law to equalize taxation, approved February 23d, 1837.

On motion of Mr. Apperson—8. A bill for the benefit of James M. Henson.

On motion of Mr. Taggart—9. A bill for the benefit of the Sheriff of Muhlenburg county.

On motion of Mr. Ballard—10. A bill to appropriate a sum of money to build a bridge across the mouth of Pond Creek, in Oldham county.

On motion of Mr. Swope—11. A bill to amend the act entitled an act to establish a system of public instruction, so as to exempt free negroes from taxation under said act.

On motion of Mr. Jasper—12. A bill to establish an Election Precinct at the coal mines in Pulaski county.

On motion of Mr. Buford—13. A bill to amend the law equalizing taxation.

On motion of Mr. McClure—14. A bill to appropriate money to improve Cumberland River Hill, on the road from Columbia to John Grider's ferry on Cumberland river, and for other purposes.

On motion of Mr. Rudd—15. A bill to amend an act, entitled an act to amend an act entitled an act to incorporate the Springfield, Perryville and Danville Turnpike Road Company.

On motion of Mr. Coffey—16. A bill to improve the navigation of Cumberland river from the Tennessee line to the mouth of Laurel.

Messrs. Dohoney, A. Anderson and Ritter, were appointed to prepare and bring in the 1st; Messrs. Trumbo, Taggart, Blair and Ellison, the 2d; Messrs. Trumbo, Trimble, Blair and Harris, the 3d; Messrs. Riffe, Jasper, Sutton and Howard, the 4th; Messrs. S. H. Anderson, Browder and Bledsoe, the 5th; Messrs. Hopkins, N. E. Gray and Bradshaw, the 6th; the committee on Ways and Means, the 7th; Messrs. Apperson, Harris and Trumbo, the 8th; Messrs. Taggart, Bradley and Newton, the 9th; Messrs. Ballard, Field and Meriwether, the 10th; the committee on Education, the 11th; Messrs. Jasper, White and McClure, the 12th; Messrs. Buford, White, Fox and Bailey, the 13th; Messrs. McClure, Ellison, Dohoney and Riffe, the 14th; Messrs. Rudd, Slaughter, Purdy and Daviess, the 15th; and the committee on Internal Improvement, the 16th.

Mr. Rowlett moved for leave to introduce a bill for lessening the salaries of certain public officers, and for other purposes.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Todd and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, A.
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Ballard,
Basye,
Blair,
Bledsoe,
Bodine,
Bradley,
Bradshaw,
Brooks,
Browder,
Buford,
Bullock,
Burden,
Butler,
Clay,
Coleman,
Cofer,
Coffey,
Combs,
Cornish,
Daviess,
Dohoney,
Ellison,
Field,
Finn,
Fox,
Gano,
Goble,
Goodson,
Gough,
Graham,
Gray, B. E.
Gray, N. E.
Haggard,
Hardy,
Harris,
Heady,
Hopkins,
Howard,
Hughes,
Jasper,
Johnson,
Latimer
Lecompte,
McBrayer,
McClure,
McElroy,
McFall,
Meriwether,
Mims,
Morehead,
Myers,
Newell,
Newton,
O'Bannon,
Pirtle,
Pope,
Purdy,
Reeves,
Redd,
Riffe,
Ritter,
Rodes,
Root,
Rowan,
Rowlett,
Royston,
Rudd,
Shanklin,
Sharpe,
Slaughter,
Smith, I.
Smith, L. B.
Sprigg,
Sutton,
Swope,
Taggart,
Thomas,
Thornburg,
Todd,
Trimble,
Trumbo,
Wade,
Walker,
White,
Wintersmith,
Yates—93.

Those who voted in the negative, were—

Messrs. Buckner,
Waddle—2.

*Ordered*, That the committee on Ways and Means prepare and bring in the same.

On motion of Mr. Mims,

*Ordered*, That Mr. N. E. Gray be added to the select committee to whom was referred the petition or memorial upon the subject of the establishment of a Southern Bank.

Mr. Harris read and laid upon the table the following joint resolution, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That a committee of four members of the House of Representatives and two of the Senate, be appointed to examine Transylvania University and the Lunatic Asylum, and report to the Legislature the prospects and resources of the former, and the condition of the latter.

Mr. Alfred Anderson moved the following resolution, viz:

Whereas, by an act, entitled an act to remove the obstructions to the navigation of flatboats, in that part of Green river which lies between Fitzpatrick's mill and the mouth of Little Barren river—approved February 9th, 1838, the sum of $6,000, or so much thereof as may be necessary, were appropriated out of the funds set apart for internal improvement—neither that amount nor any part of it, has been expended according to the requirements of said act—

*Resolved*, *therefore*, That the committee on the expenditures of the Board of Internal Improvement, inquire into the reasons of the non-execution of said act, and report the same to this House.

Which being twice read, was adopted.

Mr. Trimble moved the following resolutions, viz:

*Resolved*, That so much of the Governor's Message as relates to the Banks and the resumption of specie payments, be referred to the committee on Banks.

*Resolved*, That so much of the message as relates to internal improvements, be referred to the committee on Internal Improvements.

*Resolved*, That so much of the message as relates to the expenditures upon public works, be referred to the committee on the expenditures of the Board of Internal Improvement.

*Resolved*, That so much of the message as relates to the Sinking Fund, and its ability and resources, be referred to the committee on the Sinking Fund.

*Resolved*, That so much of the message as relates to the fourth instalment of surplus revenue, payable by the Treasury of the United States to the State of Kentucky, be referred to the committee on Ways and Means.

*Resolved*, That so much of the message as relates to the resolutions of the Legislature of the State of Georgia, upon the subject of the refusal of the State of Maine to deliver up certain fugitives from justice, be referred to the select committee on Abolition.

*Resolved*, That so much of the message as relates to the increase of the National Executive patronage, together with the resolutions of the Legislature of the State of Connecticut upon that subject, be referred to a Select Committee.

*Resolved*, That so much of said message as relates to the Public Lands, and to the cession of the public lands, and the resolutions of the General Assembly of the State of Arkansas upon that subject, be referred to the committee on Education.

*Resolved*, That so much of the message as relates to the annexation of Texas to the United States, together with the resolutions of several States of the Union on that subject, be referred to a Select Committee.

*Resolved*, That so much of the message as relates to the franking privilege, and the extension of it, together with the resolutions of the Legislature of the State of Maine upon that subject, be referred to a Select Committee.

*Resolved*, That so much of the message as relates to the Journals of 1792 and 1797, be referred to the committee on the Library.

*Resolved*, That so much of the message as relates to the Penitentiary and its accounts and concerns, be referred to the committee on the Penitentiary.

*Resolved*, That so much of the message as relates to a geological survey of the State, be referred to the committee on Agriculture and Manufactures.

*Resolved*. That so much of the message as relates to the statistics of the Commonwealth, and to the interests of agriculture, manufactures and commerce, be referred to the committee on Agriculture and Manufactures.

*Resolved*, That so much of the message as relates to education and common schools be referred to the committee on Education.

Which being twice read, were adopted.

On motion of Mr. Alfred Anderson,

*Ordered*, That Mr. Dohoney be added to the committee on Expenditures of the Board of Internal Improvement.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. S. H. Anderson—1. A bill for the benefit of the Sheriff of Garrard county.

By Mr. Hopkins—2. A bill for the benefit of Richard C. Jett, the Sheriff of Daviess county.

By Mr. B. E. Gray—3. A bill for the benefit of the Sheriff of Logan county.

By Mr. Coffey—4. A bill to change the names of Mary Ann Brumley and Abigail Ann Brumley.

By Mr. White—5. A bill allowing two additional Justices of the Peace and one Constable to Whitley county, and two additional Justices to Madison county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st, 2d and 3d were committed to the committee on Ways and Means; and the 4th and 5th (the 5th being first amended) were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Messrs. McElroy, Trimble, McClung, Morehead, Bradley, Hughes, Gough, L. B. Smith and Ballard, were appointed a committee pursuant to the resolution heretofore adopted, refering that part of the Governor's message in relation to Abolition to a select committee.

And then the House adjourned.

## FRIDAY, DECEMBER 7, 1838.

1. Mr. Trumbo presented the petition of Hugh Lane (with other documents,) praying for a divorce from his wife, Malinda Lane.

2. Mr. Blair presented the petition of William Gross, praying for a divorce from his wife, Elizabeth Gross.

3. Mr. Morehead presented the petition of Thomas Mc. Pulliam (with other documents,) praying a divorce from his wife, Margaret Pulliam.

4. Also, the petition of James S. Carter (with other documents,) praying a divorce from his wife, Mary Ann Carter.

5. Mr. I. Smith presented the petition of Nancy Collins, praying a divorce from her husband, Edward Collins.

6. Also, the petition of Benjamin Bryant, and others on his behalf, praying the passage of a law permitting him to retail spirituous liquors.

7. Mr. Coffey presented the petition of the widow and heirs of Joel Coffey, deceased, praying the passage of a law authorizing a sale of the real estate of said deceased, descended to them.

8. Mr. Rudd presented the petition of sundry citizens of Washington county, praying the passage of a law prohibiting the discontinuance of a certain road therein.

9. Mr. Hughes presented the petition of Thomas T. Newcomb, praying to be divorce from his wife, Mary P. Newcomb.

10. Mr. Goble presented the petition of Abraham Ellington (with other documents,) praying a divorce from his wife, Delila Ellington.

11. Mr. Howard presented the petition of John Black, praying the passage of a law changing the line between Monroe and Cumberland counties, so as to place his residence in the latter.

12. Mr. N. E. Gray presented the petition of Thomas H. Bacon (with other documents,) praying the passage of a law refunding to him a sum of money paid by him as security of Thomas McFarland, late Sheriff of Trigg county.

13. Mr. McElroy presented the petition of James R. Hughes, Clerk of the Union Circuit Court, praying the passage of a law authorizing the Auditor to credit him for certain claims in his annual settlement, and to allow him further time to pay into the Treasury the taxes received by him for the year 1838.

14. Mr. Ellison presented the petition of Wm. Wood, praying the passage of a law authorizing the surveying and carrying into grant, the remainder of the land warrants appropriated to improve Grider's Hill, in Clinton county.

15. Mr. Sutton presented the petition of the heirs of Edwin Motley, deceased, praying the passage of a law authorizing a sale of the real estate of said deceased.

16. Mr. Ellison presented the petition of Rice Maxey, Jesse Noland and Joseph Alexander, praying the passage of a law authorizing a sale of the real estate of William Frogg, dec'd.

17. Mr. Latimer presented the petition of sundry citizens of Petersburg, in Boone county, praying an amendment to the law establishing said Town.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 2d, 3d, 4th, 5th, 9th and 10th, to the committee on Religion; the 6th, 12th and 13th, to the committee on Ways and Means; the 7th, 14th, 15th and 16th, to the committee for Courts of Justice; the 8th to Messrs. Rudd, Bodine and S. H. Anderson; the 11th to the committee on Propositions and Grievances; and the 17th to Messrs. Latimer, Goodson, Myers and Bledsoe.

Mr. James B. Dorton, a member returned to serve in this House from the counties of Knox and Harlan, appeared, and having produced a certificate of his election and of his having taken the oath required by law, repaired to his seat.

The Speaker, in pursuance of the resolutions offered on yesterday by Mr. Trimble, and adopted, appointed the following committees, viz:

On the "National Executive Patronage"—Messrs. McClung, Trimble, Trumbo, N. E. Gray, Myers, Combs and Bodine.

On the "Annexation of Texas to the United States"—Messrs. Butler, Reeves, Slaughter, Pope, Sutton, Rowan and McFall.

On the "Franking Privilege"—Messrs. Browder, Todd, Rodes, Basye, Gough, Wintersmith and Rudd.

Leave was given to bring in the following bills, viz:

On motion of Mr. Ritter—1. A bill for the benefit of John L. Cole, of Barren county.

On motion of Mr. Goodson—2. A bill to amend the road law in Campbell county.

Also—3. A bill to amend an act to establish a system of Common Schools in the State of Kentucky.

On motion of Mr. Mims—4. A bill to authorize an additional Constable in the county of Caldwell.

On motion of Mr. Riffe—5. A bill to legalize the proceedings of the Court Marshall of the 74th Regiment Kentucky Militia, for the year 1837—and for other purposes.

On motion of Mr. N. E. Gray—6. A bill to incorporate the Hopkinsville Female Academy.

On motion of Mr. Harris—7. A bill to legalize all entries and surveys

made near the county line of Floyd and Morgan, heretofore made, which may have been extended beyond the limits of the county, where the entries and surveys were intended to have been made.

On motion of Mr. S. H. Anderson—8. A bill for the benefit of Abner G. Daniel.

On motion of Mr. O'Bannon—9. A bill to amend the law requiring the several County Courts in this Commonwealth to furnish a standard of weights and measures for each county.

Also—10. A bill to amend the laws in regard to the emancipation of slaves, more effectually to prevent them from becoming a nuisance to the Commonwealth of Kentucky.

On motion of Mr. Shanklin—11. A bill for the benefit of John Cobb, Hezekiah Willis, Perry Mathers and Shepherd Burch.

On motion of Mr. Bailey—12. A bill for the benefit of the Sheriff of Lincoln county.

On motion of Mr. Browder—13. A bill allowing an additional Justice of the Peace in the county of Logan.

On motion of Mr. Purdy—14. A bill to allow an additional Constable to Marion.

Also—15. A bill to amend the law in relation to Gaming, and for other purposes.

Also—16. A bill authorizing the Trustees of the Town of Lebanon, and their successors, to cause the owners of the lots on each side of Main street in said town, to McAdamize the same, except that portion of the street fronting the Public Square.

On motion of Mr. Rowlett—17. A bill allowing an additional Justice of the Peace to Owen county.

On motion of Mr. Jasper—18. A bill to appropriate a sum of money to build a bridge across Buck creek, where the road crosses said creek, leading from Somerset to the coal mines in Pulaski county.

On motion of Mr. Swope—19. A bill to provide for the appointment of County Treasurers in this Commonwealth, and for other purposes.

On motion of Mr. McClure—20. A bill to repeal the law giving Justices of the peace final jurisdiction in any case whatever, and for other purposes.

Also—21. A bill to change the law in relation to trying the right of property.

On motion of Mr. Finn—22. A bill to repeal an act, approved February 2d, 1833, entitled an act to amend the law prohibiting the importation of slaves into this State.

On motion of Mr. White—23. A bill to reduce the price of all vacant lands in this Commonwealth, north of the Tennessee river.

Messrs. Ritter, Hardy and A. Anderson, were appointed a committee to

prepare and bring in the 1st; Messrs. Goodson, Thomas and Latimer, the 2d; Messrs. Goodson, Thomas, S. H. Anderson and Field, the 3d; Messrs. Mims, McElroy and Rowan, the 4th; the committee on Military Affairs the 5th; Messrs. N. E. Gray, Reeves and Bradshaw, the 6th; Messrs. Harris, Goble and Trumbo, the 7th; Messrs. S. H. Anderson, Royston and Fox, the 8th; the committee on Ways and means the 9th; the committee for Courts of Justice, the 10th, 15th, 20th and 21st; Messrs. Shanklin, S. H. Anderson and L. B. Smith, the 11th; Messrs. Bailey, McClure and White, the 12th; Messrs. Browder, Todd and B. E. Gray, the 13th; Messrs. Purdy, Brooks, and Graham, the 14th; Messrs. Purdy, Brooks, Graham, Heady and Rudd, the 16th; Messrs. Rowlett, Lecompte and Wade, the 17th; the committee on Internal Improvement, the 18th; Messrs. Swope, Johnson, S. H. Anderson, Newell and Coleman, the 19th; Messrs. Finn, B. E. Gray, Todd and Sutton, the 22d; and Messrs. White, Buford, Jasper and McClure, the 23d.

Mr. Dohoney moved the following resolution, viz:

Whereas, by an act, entitled an act to improve the road from Greensburg, by the way of Columbia, Jamestown and Monticello, to the Tennessee State line in a direction of Knoxville, approved February 15th, 1838—the Board of Internal Improvement is authorized, under certain conditions, to appropriate any sum not exceeding $5,000, to improve said road; no survey of said road has as yet been made, and no part of said sum of money has been appropriated:

*Resolved, therefore*, That the committee on the Expenditures of the Board of Internal Improvement, be required to inquire into the causes of the non-execution of said act, and report the same to this House.

Which being twice read, was adopted.

Mr. Bledsoe moved the following resolution, viz:

*Resolved* That the committee of Ways and Means be instructed to inquire into the practicability and expediency of so amending the revenue laws of this Commonwealth, as that every person shall be compelled to pay tax upon the amount he may be actually worth, and no more.

Which being twice read, was adopted.

Mr. Morehead moved the following resolution, viz:

*Resolved*, That this House has heard with painful emotions, of the death of Col. Anthony Crockett, for some years a member of this House, a patriot of the Revolution, and a brave and gallant soldier during the last war with Great Britain; and as a testimony of its respect to his memory, this resolution is placed on its Journals.

Which being twice read, was unanimously adopted.

Mr. Rodes moved the following resolution, viz:

*Resolved*, That the committee on religion be instructed to report against all applications for divorces, where the case is provided for by law.

Mr. McElroy moved to amend said resolution, by adding thereto the following:

*Resolved*, That the committee on Religion be instructed to inquire into

the expediency of so amending the several acts of assembly of this Commonwealth, on the subject of alimony and divorces, as to increase the jurisdiction of the several Circuit Courts on those cases.

Which being twice read, was concurred in.

The said resolution as amended, was then twice read and adopted.

Mr. Harris moved the following resolution, viz:

*Resolved*, That the committee of Claims be instructed to inquire into the expediency of paying all Sheriffs who have, in person, or by their deputies, brought their several poll books to Frankfort, under the law in relation to the call of a Convention, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. A. Anderson moved the following resolution, viz:

*Resolved*, That the Sergeant-at-Arms be required to furnish with locks, the tables of the chairmen of committees.

Which being twice read, was adopted.

Mr. Edmonson moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be, and they are hereby instructed to inquire into the expediency and propriety of constructing two additional Locks and Dams on Green river, above the mouth of Big Barren, in order to connect with the turnpike roads from Louisville to Nashville; and whether it is not practicable to put them under contract during the ensuing year; and that they be directed to report by bill or otherwise.

Which being twice read, was adopted.

Mr. Buford moved the following resolution, viz:

*Resolved*, That a select committee of five in number, be appointed to inquire and ascertain, if all the Commissioners of the several counties throughout the State, have taken in a list of taxable property, as required by law; and that the committee report to this House, whether any failures or not.

Which being twice read, was adopted.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By Mr. Trumbo—1. A bill authorizing the Register to issue a patent in the name of Barnabas Wing.

By Mr. Allen—2. A bill for the benefit of the Sheriffs of Breckinridge and Hancock counties.

By Mr. Thornburg—3. A bill for the benefit of Robert Arberry.

By Mr. Blair—4. A bill to change the place of voting in the Mullikin Precinct, in Fleming county.

By Mr. S. H. Anderson—5. A bill for the benefit of the Trustee of the jury fund in Garrard county.

By Mr. Browder—6. A bill to allow an additional Justice of the Peace to the county of Logan.

By Mr. Apperson—7. A bill for the benefit of James M. Henson.

By Mr. Gano—8. A bill for the benefit of the heirs of Austin Bradford, Sr., deceased.

By Mr. Coffey—9. A bill allowing an additional Constable to the counties of Clinton and Adair.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 7th were committed to the committee for Courts of Justice; the 2d and 6th to the committee on Claims; the 3d to the committee on Internal Improvement; the 5th to the committee on Ways and Means; and the 4th, 6th and 9th, (the 9th being first amended,) were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 4th, 6th and 9th bills having been dispensed with, and the same being engrossed,

*Resolved*, That they do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Goodson,

*Ordered*, That Mr. Dorton be added to the standing committee on Internal Improvement.

On motion of Mr. Buford,

*Ordered*, That the Public Printer forthwith print 150 copies of the report of the Agent and Keeper of the Penitentiary, for the use of the members of this House.

Mr. Johnson moved the following resolution, viz:

*Resolved*, That the committee on the Penitentiary be instructed to inquire into and report to this House, the items composing the respective accounts of the Commonwealth and of the present Keeper of the Penitentiary; the amount of cash on hand; the amount of bagging and bale rope sold since the 10th day of March, 1834; the terms upon which the same has been sold; the amount due thereon; the amount collected from the sales thereof; and the amount still outstanding; also, the mode of keeping the accounts of said institution; the number of clerks heretofore and now employed, and the duties of each, if more than one; also, to inquire into and report the reason why the two clerks appointed by the Commissioners of the Sinking Fund have not been able to make a correct balance of said books and accounts; the time of their appointment; and generally, the time during which said clerks have been daily employed in the examination of the accounts and books of said institution; also, the time when the sum of five thousand dollars, referred to in the message of his Excellency the Governor, was paid by the Keeper to said Commissioners of the Sinking Fund; also, to report the annual net profits of the Penitentiary from the 10th day of March 1834; the cause or causes why the net annual proceeds of said institution have varied so considerably in amount in different years since the said 10th day of March, 1834; the items composing the outstanding debts due by the Penitentiary; the terms generally, upon which hemp and other articles have been purchased; whether with cash or upon credit; and if upon credit, the average extent of such credits; and also the average and annual amounts

of bagging and bale rope manufactured in said institution from said 10th day of March, 1834.

Which being twice read, was adopted.

And then the House adjourned.

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## SATURDAY, DECEMBER 8, 1838.

1. Mr. Butler presented the petition of sundry citizens of the city of Louisville, praying the passage of a law more effectually to organize the militia in said city.

2. Mr. Dorton presented the petition of William Goodin and Elizabeth Goodin, praying the passage of a law divorcing them from each other.

3. Mr. Harris presented the petition of Nelson Dyer, praying to be divorced from his wife, Sally Dyer.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Military Affairs, and the 2d and 3d to the committee on Religion.

The Speaker laid before the House the annual report of the Treasurer of this Commonwealth.

[*For this report—see Appendix.*]

On motion of Mr. Meriwether,

*Ordered*, That said report be referred to the committee on Ways and Means; and that the Public Printer forthwith print 150 copies thereof for the use of the members of this House.

Mr. Meriwether, from the committee of Ways and Means, to whom was referred the petitions of Benjamin Bryant and James Smith—reported the same with the following resolution, viz:

*Resolved*, That the prayers of said petitions be rejected.

Which being twice read, was concurred in.

Leave was given to bring in the following bills, viz:

On motion of Mr. Trumbo—1. A bill for the benefit of Jacob Morton.

On motion of Mr. Thornburg—2. A bill to change the place of voting in the Frozen and Crawford Precincts in the county of Estill, and for other purposes.

On motion of Mr. Wintersmith—3. A bill to prescribe the mode of publishing the laws of this Commonwealth.

On motion of Mr. Dorton—4. A bill to allow further time to holders of Kentucky Land Office Warrants, to survey and return the plats and certificates, and further time to holders of plats and certificates to register.

Also—5. A bill for the benefit of Sandy H. Aldridge.

On motion of Mr. Walker—6. A bill to amend the militia law.

On motion of Mr. McClung—7. A bill for the benefit of Anne and Elizabeth Maria Dix.

On motion of Mr. Buford—8. A bill for the benefit of James Walden.

On motion of Mr. Sprigg—9. A bill to amend the act entitled an act to provide a sinking fund for the payment of the Internal Improvement loans for internal improvement, and for the final redemption of said loans.

On motion of Mr. Coffey—10. A bill to provide for the improvement of the Big South Fork of Cumberland river.

The committee on Claims were directed to prepare and bring in the 1st, 5th and 8th; Messrs. Thornburg, McElroy and Royston, the 2d; the committee for Courts of Justice, the 3d and 4th; the committee on Military Affairs, the 6th; Messrs. McClung, Waddle, Brooks and Blair, the 7th; Messrs. Sprigg, Bullock, Lecompte, Heady and Wintersmith, the 9th; and the committee on Internal Improvement, the 10th.

Mr. McClure asked leave to introduce a bill licensing grocery keepers, and authorizing distillers of spirituous liquors to sell and dispose of their liquors free of fine or tax, and for other purposes.

And the question being taken thereon, it was decided in the negative.

And so the same was rejected.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills of the following titles, viz:

A bill for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county:

A bill for the benefit of the Trustees of the Jury Fund in this Commonwealth, and for other purposes—reported the same with amendments to each,

Which being twice read, were concurred in.

*Ordered*, That said bills as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred a bill for the benefit of the Sheriff of Garrard county—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Bledsoe moved the following resolution, viz:

*Resolved*, That the Auditor of Public Accounts inform this House how much the revenue has been increased by the operation of the law of 1836 and 1837, entitled "an act to equalize taxation;" and what portion of the same is paid or payable from each county in the State.

Which being twice read, was adopted.

Mr. A. Anderson moved the following resolution, viz:

*Resolved*, That it be one of the standing rules of this House, that no bill shall be passed into a law, without having first had a reference to one of the standing committees of this House.

Which being twice read, was rejected.

Mr. B. E. Gray moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of completing the slack water navigation of Muddy river, by putting under contract one Lock and Dam during the next year; and that they report by bill or otherwise.

Which being twice read, was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Hardy—1. A bill for the benefit of John L. Cole, of Barren county.

By Mr. Mims—2. A bill to allow an additional Constable to the county of Caldwell.

By Mr. Riffe—3. A bill for the benefit of Eliza Hancock.

By Mr. Harris—4. A bill to legalize certain entries and surveys made near the Floyd and Morgan county line.

By Mr. Wintersmith—5. A bill to incorporate the West Point Bridge Company.

By Mr. Hopkins—6. A bill to release from forfeiture and remit the taxes on certain lands belonging to the estate of George Morris, dec'd.

By Mr. Ballard—7. A bill appropriating a sum of money to build a bridge across Pond creek, between Oldham and Jefferson counties.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with—the 1st, 2d, 3d and 4th, were ordered to be engrossed, and read a third time; the 5th and 7th were referred to the committee on Internal Improvement; and the 6th to the committee on Propositions and Grievances.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d and 4th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

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## MONDAY, DECEMBER 10, 1838.

1. Mr. Wade presented the petition of William B. Duncan, praying the passage of a law allowing him compensation for guarding John Vandiver, under a charge of murder, in the county of Hickman.

2. Mr. Wintersmith presented the petition of Rhodes S. Wilson and Hannah A. Wilson, mutually praying for a divorce.

3. Mr. Graham presented the petition of John Graham, administrator of F. A. Alexander, deceased, praying the passage of a law authorizing the sale of certain real estate to pay the debts of the decedent.

4. Mr. Cofer presented the petition of sundry citizens of Hardin county, praying that an additional Constable be allowed to said county.

5. Mr. Field presented the petition of sundry citizens, praying an act of incorporation, to be styled the Goulding Patent Bagging Manufacturing Company.

6. Mr. Burden presented the petition of sundry citizens of Butler county, praying that an additional Justice of the Peace be granted to said county, to reside on the north side of Green river.

Which were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Claims; the 2d to the committee on Religion; the 3d to the committee for Courts of Justice; the 4th to a committee of Messrs. Cofer, Wintersmith and Allen; the 5th to Messrs. Field, Butler and Meriwether; and the 6th to Messrs. Burden, Hardy and S. H. Anderson.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred the petitions of John Jones; Anna Rogers; the heirs of Abraham Iago; of the Baptist General Association; and Hiram Phillips—reported the same with the following resolution, viz:

*Resolved*, That the prayer of said petitions be rejected.

Which being twice read, was concurred in.

A message was received from the Senate, announcing the passage of a bill entitled an act for the benefit of John W. Simpson.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bledsoe—1. A bill to amend the execution laws of this Commonwealth.

On motion of Mr. Yates—2. A bill to establish the town of Rochester, in Butler county.

On motion of Mr. Edmonson—3. A bill to locate a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

On motion of Mr. McFall—4. A bill requiring the sum of $6,500, which has heretofore been set apart for the improvement of the Bayou de Chien, from its mouth to the town of Moscow, to be expended in the improvement of said stream, in the year 1839.

On motion of Mr. Dorton—5. A bill to provide for improving the Crab Orchard and Cumberland Gap turnpike road from the forks of the Madison and Crab Orchard roads to the Cumberland Gap—and for other purposes.

Also—6. A bill to regulate the fees of Constables in this Commonwealth, and for other purposes.

Also—7. A bill to increase the jurisdiction of Magistrates.

On motion of Mr. Browder—8. A bill to amend an act entitled an act to incorporate the Russellville and Clarksville Turnpike Road Company.

On motion of Mr. B. E. Gray—9. A bill for the benefit of the heirs of John Breathitt.

On motion of Mr. Rowan—10. A bill to establish an additional Precinct in Ohio county.

On motion of Mr. Buford—11. A bill to locate and establish a road from the mouth of Laurel river to Goose creek Salt Works, at Daniel Bates' furnace, at or near the mouth of Collins' fork of the Kentucky river.

On motion of Mr. I. Smith—12. A bill to amend the law in relation to the appointment of Constables.

On motion of Mr. White—13. A bill to incorporate the Cumberland Coal Mining Company.

Messrs. Bledsoe, Brooks, Latimer and McClung, were appointed a committee to prepare and bring in the 1st; Messrs. Yates, Todd, Browder and Burden, the 2d; Messrs. Edmonson, Yates, Hardy and Cofer, the 3d; the committee on Internal Improvement, the 4th and 5th; the committee for Courts of Justice, the 6th and 7th; Messrs. Browder, Todd and B. E. Gray, the 8th; Messrs. B. E. Gray, Hopkins and Browder, the 9th; the committee on Privileges and Elections, the 10th; Messrs. Buford, White, Morris and Dorton, the 11th; Messrs. I. Smith, Todd, Browder and B. E. Gray, the 12th; and Messrs. White, Buford, Jasper, McClure and Coffey, the 13th.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Apperson, from the committee for Courts of Justice—1. A bill for the benefit of James L. Todd, a lunatic.

By Mr. Browder, from the committee on Religion—2. A bill for the benefit of Nancy L. McCullock.

By Mr. Brooks—3. A bill to change the name of James Babcock.

By Mr. Allen—4. A bill to change the place of voting in the Stephensport Precinct, in Breckinridge county.

By Mr. Wade—5. A bill for the benefit of James Henson and George W. McLeod.

By Mr. Thornburg—6. A bill to change the place of voting in the Quicksand and Crawford Precincts in Estill county, and Dennis' Precinct in Washington county; and to establish an Election Precinct in Pulaski county.

By Mr. Cofer—7. A bill to allow an additional Constable to the county of Hardin.

By Mr. Butler—8. A bill in relation to the registration of mortgages and deeds of trust.

By Mr. Bailey—9. A bill for the benefit of the Sheriff of Lincoln county.

By Mr. Purdy—10. A bill to allow an additional Constable to the county of Marion.

By Mr. White—11. A bill to reduce the price of vacant lands in this Commonwealth.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 5th, 6th, 7th, 9th and 10th were severally ordered to be engrossed and read a third time; the 4th committed to the committee on Privileges and Elections, and the 11th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th, 9th and 10th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Sheriff of Logan county, reported the same with an amendment as a substitute—which was concurred in.

Mr. Finn moved a further amendment thereto—which was concurred in.

*Ordered*, That said bill as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be amended to read, "an act for the benefit of the Sheriffs of Logan and Simpson counties.

Mr. Dohoney moved the following resolution, viz:

*Resolved*, That it be one of the standing rules of this House, that no bill shall pass into a law, without being regularly read, when the bill shall be at its third reading.

And the question being taken upon the adoption thereof, it was decided in the negative.

And so the said resolution was rejected.

Mr. Harris moved the following resolution, viz:

*Resolved*, That the committee of Internal Improvement be directed to inquire into the utility of appropriating a sum of money to the improvement of the road from Prestonsburg, Floyd county, Ky., to Little Sandy Salt Works, so as to intersect the State road from the mouth of Big Sandy river to Owingsville; and to report by bill or otherwise.

Which being twice read, was adopted.

The Speaker laid before the House a communication from the Secretary of State, accompanied with a list of the voters in this State, who voted for a Convention in the several counties thereof.

The Speaker also laid before the House a communication from the Secretary of State, enclosing the monthly statements of the resources and liabilities of the Bank of Kentucky, the Northern Bank of Kentucky, the Bank of Louisville, and the Louisville Savings Institution.

On motion of Mr. Coffey,

Leave was given him to withdraw the petition of Hiram Phillips, presented at the present session—and the petition was withdrawn.

And then the House adjourned.

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## TUESDAY, DECEMBER 11, 1838.

1. Mr. Goodson presented the petition of Messrs. Heslett, Grant & Co., praying the passage of a law indemnifying them against loss on their contract for constructing Lock and Dam No. 3, on Licking river.

2. Mr. Hardy presented the petition of Isaac Mize, praying to be divorced from his wife, Ruth Mize.

3. Mr. Field presented the petition of Joel Turnham, Jr., praying a change of venue in a criminal prosecution pending against him, in the Jefferson Circuit Court.

4. Also, the petition of Elizabeth Roberts, praying to be divorced from her husband, John Roberts.

5. Mr. Walker presented the petition of John West, praying to be divorced from his wife, Elizabeth West.

6. Also, the petition of Margaret Parker, praying to be divorced from her husband, Archibald Parker.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d, 4th, 5th and 6th to the committee on Religion; and the 3d to the committee on Courts of Justice.

Mr. Newton presented the petition of sundry citizens of Daviess, Muhlenberg and Ohio counties, praying the passage of a law incorporating a company to construct a Canal from the Falls of Vienna to Owensborough.

Which was received, the reading thereof dispensed with, and referred to the committee on Internal Improvement.

On motion of Mr. Allen,

*Ordered*, That the Public Printer forthwith print 150 copies of said petition for the use of the members of this House.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred the petitions of Joel Coffey, Matthew Motley, and the administrators of Wm. Frogg—reported the same, with the following resolution, viz:

*Resolved*, That the prayers of said petitions be rejected.

Which being twice read, was concurred in.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of William Gooden and wife; of William H. Bronston; of Andrew Craig; and of Abraham Ellington, each praying for a divorce—reported the same, with the following resolution, viz:

*Resolved*, That the prayer of said petitions be rejected.

Which being twice read, was concurred in.

A message was received from the Senate, announcing the passage of a bill from this House, entitled an act for the benefit of Mary Ann Sellers and Sarah Elizabeth Sellers;

And the passage of a bill from the Senate, entitled an act to amend the law incorporating the Town of Bardstown.

Mr. Basye asked leave to withdraw the petition of Joseph Shropshire—which was granted, and the petition withdrawn.

Mr. Ellison asked leave to withdraw the petition of James Smith—which was granted, and the petition withdrawn.

Mr. Fox asked leave to withdraw the petition of William H. Bronston—which was granted, and the petition withdrawn.

Mr. White asked leave to withdraw the petition of Andrew Craig—which was granted, and the petition withdrawn.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to complete the State road from Mount Sterling, by way of Prestonsburg, to the Virginia line—reported the same, with an amendment in lieu of the original bill.

Which being twice read, was concurred in.

*Ordered*, That the said bill as amended be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. S. H. Anderson,

*Ordered*, That the communication of the Secretary of State, enclosing the list of voters who voted for a Convention, be referred to the committee on Privileges and Elections.

On motion of same,

*Ordered*, That the communication of the Secretary of State, enclosing the monthly statements of the Bank of Kentucky, Northern Bank of Kentucky, the Louisville Bank, and the Louisville Savings Institution, be referred to the Committee on Banks.

Mr. Harris moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of providing by law for the sale of estates descended to idiots under the direction of the Chancellor; and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Newell moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency and necessity of putting under contract the erection of two additional Locks and Dams for slackwater navigation, during next year, on Licking river.

Which being twice read, was adopted.

Mr. Dorton moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of repealing the law authorizing masters and owners pay for slaves executed in this Commonwealth.

Which being twice read, was adopted.

Mr. Todd moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to

inquire into the expediency of putting under contract an additional Lock and Dam on Barren river.

Which being twice read, was adopted.

Mr. Isaac Smith moved the following resolution, viz:

*Resolved*, That the committee on Agriculture and Manufactures be instructed to inquire into the propriety of changing the form of the oath required by law to be taken by Inspectors of Tobacco; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Sprigg moved the following resolution, viz:

*Resolved by the House of Representatives*, That the Governor of this Commonwealth be, and he is hereby respectfully requested to lay before this House, all the evidences in his possession, of the contract of sale of the State Bonds for Internal Improvement made the present year; and all evidences in his possession or within his control, of the contract of sale of the Bonds made with the War Department; and that he make an exhibit of the means or upon what terms the Bonds sold during the present year have been introduced into the European markets, and of all that transpired between him or his agents and the War Department of the United States, in the negotiation of the sale of the said Bonds to that Department.

*Be it further resolved*, That the Governor be, and he is hereby requested, to report to this House, at what rate of exchange he transferred to the Banks the Internal Improvement Fund resulting from the sale of the State's Bonds, and which was deposited in the city of New York.

Which being twice read, was adopted.

Mr. Apperson, from the committee for Courts of Justice, to whom was referred a bill authorizing the Register to issue a patent in the name of Barnabas Wing—reported the same without amendment.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. McBrayer moved the following resolution, viz:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of allowing to the Trustees of the Anderson county Seminary a sum of money in lieu of the land appropriated for the benefit of said Seminary, which land was never obtained; and that they report by bill or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Trumbo—1. A bill for the benefit of the Owingsville and Big Sandy turnpike road.

On the motion of Mr. Allen—2. A bill providing for the improvement of the State road from Louisville to Smithland.

On the motion of Mr. Riffe—3. A bill to abolish an Election Precinct in Casey county.

On the motion of Mr. Wade—4. A bill for the benefit of the Sheriff of Calloway county.

On the motion of Mr. Andrews—5. A bill the better to protect the rights and interests of married women.

On the motion of Mr. Root—6. A bill to exempt persons from military duty and working roads, that are employed on public works in this Commonwealth.

On the motion of Mr. Pirtle—7. A bill to open a road from Feliciana, in Graves county, to Mills' Point, on the Mississippi river.

On the motion of Mr. Cofer—8. A bill to amend the election laws of this Commonwealth.

On the motion of Mr. Wintersmith—9. A bill to incorporate the Nick Biddle Iron Company.

On the motion of Mr. Hopkins—10. A bill for the benefit of the Sheriff of Henderson county.

On the motion of Mr. Shanklin—11. A bill for the benefit of Thomas J. Brown.

On the motion of Mr. Goble—12. A bill to run and mark the line between the counties of Floyd and Morgan.

On the motion of Mr. Apperson—13. A bill to amend an act, entitled, an act to regulate proceedings under five pounds, before Justices of the Peace, approved February 9th, 1838.

On the motion of Mr. Slaughter—14. A bill to improve the navigation of the Beech and Rolling Fork of Salt river.

On the motion of Mr. I. Smith—15. A bill to amend an act, entitled, an act to provide for making a road from Bowlinggreen, by the way of South Union, Russellville and Elkton, to Hopkinsville—approved February 23d, 1835.

*Ordered*, That the committee on Internal Improvement prepare and bring in the 1st and 15th; Messrs. Allen, Hopkins, Gough, McElroy and Newton, the 2d; Messrs. Riffe, Coffey, Newton and Jasper, the 3d; Messrs. Wade, McFall and Pirtle, the 4th; Messrs. Andrews, Apperson, McClung, Butler and Sprigg, the 5th; Messrs. Root, Butler, Rudd and Ballard the 6th; Messrs. Pirtle, Wade, McFall, McBrayer and Lecompte, the 7th; Messrs. Cofer, Wintersmith and McElroy, the 8th; Messrs. Wintersmith, Taggart, Rowan and B. E. Gray, the 9th; Messrs. Hopkins, Bradley and Allen, the 10th; Messrs. Shanklin, Davis and S. H. Anderson, the 11th; Messrs. Goble, Harris and Blair, the 12th; Messrs. Apperson, Andrews, Johnson and Allen, the 13th; and Messrs. Slaughter, Wintersmith, Purdy and Rudd, the 14th.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee of Propositions and Grievances—1. A bill for the benefit of John Black.

By the committee on Claims—2. A bill for the benefit of Thomas Hite.

By same—3. A bill for the benefit of James M. Hanson.

By same—4. A bill for the benefit of George Knox.

By the committee for Courts of Justice—5. A bill for the better securing the public offices against loss by fire.

By same—6. A bill for the benefit of the heirs and representatives of Thomas Jasper, dec'd.

By same—7. A bill for the benefit of Maria Waller, an idiot.

By same—8. A bill to change the name of Josiah Cusick, Margarette Cusick and Samuel Cusick.

By same—9. A bill to prescribe the mode of printing and distributing the Laws of this Commonwealth.

By the committee on Religion—10. A bill for the benefit of Jeremiah K. Sullivan.

By same—11. A bill for the benefit of Wm. Gross.

By the committee on Ways and Means—12. A bill for the benefit of Jas. R. Hughes, Clerk of the Union Circuit and County Courts.

By the committee on Military Affairs—13. A bill to legalize the proceedings of the 74th Regiment Kentucky Militia, and for other purposes.

By Mr. Burden—14. A bill allowing an additional Justice of the Peace to Butler county.

By Mr. Latimer—15. A bill to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved Janury 17, 1818.

By Mr. Goodson—16. A bill to amend the act to establish a system of Common Schools in the State of Kentucky, approvd Feb. 16, 1838.

By Mr. Morris—17. A bill for the benefit of the Sheriff of Clay county.

By Mr. N. E. Gray—18. A bill to incorporate the Hopkinsville Female Academy.

By Mr. Edmonson—19. A bill to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

By Mr. Field—20. A bill to incorporate the Goulding Patent Bagging Manufacturing Company.

By Mr. Swope—21. A bill authorizing the appointment of County Treasurers.

By Mr. Buford—22. A bill to locate and establish a road from the mouth of Laurel to Daniel Bates' furnace, in Clay county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st and 22d bills having been dispensed with, the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 10th, 11th, 13th, 14th, 15th and 22d, were ordered to be engrossed and read a third time; the 12th and 17th were committed to the committee on Ways and Means; the 16th and 18th to the committee on Education; the 20th to the committee on Agriculture and Manufactures: and the 21st to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 10th, 11th, 13th, 14th, 15th and 22d, having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That the Public Printer forthwith print 150 copies of the ninth bill for the use of the members of this House.

Mr. Rodes, from the select committee appointed to prepare and bring in the same—reported a bill to confer Banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

*Ordered*, That said bill be referred to a committee of the whole House for Thursday, the 20th inst.; and that the Public Printer forthwith print 150 copies thereof for the use of the members of this House.

Mr. Slaughter read and laid on the table the following joint resolution, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That the members of the Board of Internal Improvement be allowed the use of the Public Library upon the like terms and conditions prescribed for members of the Legislature.

And then the House adjourned.

## WEDNESDAY, DECEMBER 12, 1838.

1. Mr. Hughes presented the petition of sundry citizens of Livingston county, praying the passage of a law repealing, in part, an act, entitled, an act to establish a State road from Flynn's old ferry, on the Ohio river, to Princeton, in Caldwell county, and for the establishment of a ferry across said river.

2. Mr. Allen presented the petition of the representatives of Henry Crittenden, dec'd., praying the passage of a law confirming a sale of certain real estate of said deceased.

3. Also, the petition of David R. Murray, praying the passage of a law legalizing and establishing the last will and testament of his late wife, Eliza Murray, dec'd.

4. Mr. Ballard presented the petition of sundry citizens of Floydsburg, praying a change in the place of voting in the election precinct established at said town.

5. Mr. Jasper presented the petition of James Jameson and George Rook, praying the passage of a law changing their names.

6. Mr. O'Bannon presented the petition of Joseph Lindsay and wife, praying the passage of a law authorizing them to convey a tract of land.

7. Mr. Morris presented the petition of sundry citizens of Clay county, praying for an additional Justice of the Peace for said county, to reside in Manchester.

8. Mr. Bullock presented the petition of Daniel G. Orr, praying to be divorced from his wife, Mary Orr.

Which were received, the reading thereof dispensed with, and referred: the 1st, 2d, 3d, 6th and 7th, to the committee for Courts of Justice; the 4th to the committee on Privileges and Elections; the 5th to the committee on Propositions and Grievances; and the 8th to the committee on Religion.

The Speaker laid before the House the annual report of the Trustees of Transylvania University.

[*For this report—see Appendix.*]

On motion of Mr. Clay,

*Ordered*, That the same be referred to the committee on Education; and that the Public Printer forthwith print 150 copies thereof for the use of this House.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred leave to bring in the following bills, viz:

A bill to provide for the apprehension of such as have committed offences in other States and found in this:

A bill to increase the jurisdiction of Magistrates:

A bill to repeal the law giving Justices of the Peace final jurisdiction in any civil case whatever:

A bill for the benefit of Richard Cruse—reported the same with the following resolution, viz:

*Resolved*, That it is inexpedient to legislate on those subjects.

Which being twice read, was concurred in.

Mr. Buckner, from the same committee, to whom was referred the petition of John Graham, administrator of F. G. Alexander, dec'd—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill in relation to the registration of mortgages and deeds of trust—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

Mr. A. Anderson, from the committee on the Expenditures of the Board of Internal Improvement, made a report, which is as follows, viz:

The committee on the Expenditures of the Board of Internal Improvement, to whom was referred certain resolutions requiring said committee to inquire into the reasons of the non-execution of the following acts, viz:

An act, entitled, an act to remove the obstructions to the navigation of flatboats in that part of Green river which lies between Fitzpatrick's mill and the mouth of Little Barren river, approved 9th February, 1838;

And an act, entitled, an act to improve the road from Greensburg, by the way of Columbia, Jamestown and Monticello, to the Tennessee line, in the direction of Knoxville, approved 15th February, 1838—have performed that duty; and beg leave, herewith, to report the reasons for the non-execution of said acts, furnished by the President of the Board of Internal Improvement.

Office of the Board of Internal Improvement, }
*Frankfort*, 11*th December*, 1838. }

Sir—In conformity with the resolution of the House of Representatives, directing the committee to inquire into the reasons for the non-execution of an act, entitled, an act to remove the obstructions to the navigation of flatboats in that part of Green river, which lies between Fitzpatrick's mill and the mouth of Little Barren river, approved 9th February, 1838; and also an act, entitled, an act to improve the road from Greensburg, by the way of Columbia, Jamestown and Monticello, to the Tennessee line, in the direction to Knoxville, approved 15th February, 1838—the Board of Internal Improvement have the honor to reply to the committee—

That the services specified by the acts alluded to, not having been embraced by the general law for internal improvement, but having been required to be done by special acts, in the multiplicity of matters devolving on them, escaped the observation of the Board; otherwise, the requisite surveys would have been made as directed by the acts. While the Board avails itself of the occasion to express regret, that the surveys were not made, they think it proper to add, that on being informed of the state of the case, they made orders forthwith for the performance of the service, and will have those orders executed without any unnecessary delay.

I have the honor to be,

Very respectfully, &c. &c.

J. T. MOREHEAD,

*President Board Int. Improvement.*

To ALFRED ANDERSON, Esq.,

*Chairman of the Committee of Expenditures*

*Of the Board of Internal Improvement.*

Mr. Trumbo asked leave to withdraw the petition of Hugh Lane, praying for a divorce; which was granted, and the petition withdrawn.

Mr. Jasper asked leave to withdraw the petition of Lucy Graves, praying for a divorce; which was granted, and the petition accordingly withdrawn.

Mr. Hardy moved the following resolution, viz:

*Resolved*, That the State Engineer be requested to prepare, and furnish to this House, a diagram of the several turnpike roads now in progress in this Commonwealth; showing at what point each road commences, through what town or important place it passes; and at what point it terminates—setting out the length (in miles) of the several roads.

Which being twice read, was adopted.

Mr. Taggart moved the following resolution, viz:

*Resolved*, That the committee on the Expenditures of the Board of Internal Improvement, be directed to inquire into the propriety of expending the money heretofore appropriated to the improvement of Pond river, by extending the slackwater navigation on said river; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Gano moved the following resolution, viz:

*Resolved*, That Mr. H. Hollingsworth, editor of the "Georgetown Whig Banner," be admitted to a seat within the bar of this House, to report the proceedings thereof for his paper.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Bledsoe—1. A bill amendatory to the several acts concerning the town of Paris, in Bourbon county.

On the motion of Mr. Burden—2. A bill to repeal the Virginia Statute now in force in this Commonwealth, passed in the year 1738, entitled, an act for the better preservation of deer, and preventing unlawful hunting.

On the motion of Mr. Rodes—3. A bill to amend an act to incorporate the Richmond and Lexington Turnpike Road Company.

On the motion of Mr. Buford—4. A bill to amend the law passed 1837–8, allowing the commissioners authority to appoint overseers on the road located or chartered from Richmond to the Cumberland Gap.

On the motion of Mr. Sprigg—5. A bill to allow in certain cases, fees to Justices of the Peace.

On the motion of Mr. White—6. A bill to run and mark the line between the counties of Knox and Whitley.

Messrs. Bledsoe, Basye and Sharpe, were appointed a committee to prepare and bring in the 1st; Messrs. Burden, Hardy and S. H. Anderson, the 2d; Messrs. Rodes, Fox, Clay, L. B. Smith and Royston, the 3d; Messrs. Buford, Morris, Fox, Dorton and White, the 4th; Messrs. Sprigg, Bullock and Bailey, the 5th; and Messrs. White, Buford and Dorton, the 6th.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to legalize certain entries and surveys made near the Floyd and Morgan county line;

And the passage of bills from this House, of the following titles, viz:

An act to change the names of Mary Ann Brumley and Abigail Ann Brumley;

An act to change the place of voting in the Mulliken Precinct, in Fleming county;

An act for the benefit of John L. Cole, of Barren county;

An act for the benefit of Eliza Hancock.

And of the passage of bills from the Senate of the following titles, viz:

An act for the benefit of estate of David Campbell;

An act to authorize elections to be held in the Glasgow and Scottville turnpike road.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill providing for a change of venue in a prosecution for felony, against Joel (alias Joseph) Turnham, Jr.

By Mr. Wade—2. A bill for the benefit of the Sheriff of Calloway county.

By Mr. S. H. Anderson—3. A bill for the benefit of Abner G. Daniel.

By Mr. Edmonson—4. A bill to incorporate the Munfordsville Bridge Company.

By Mr. Shanklin—5. A bill for the benefit of John Cobb, Hezekiah Willis, Perry Watters and Shepherd Birch.

By Mr. B. E. Gray—6. A bill for the benefit of the heirs of Jno. Breathitt.

By Mr. McClung—7. A bill for the benefit of Anna Dix and Elizabeth Maria Dix.

By Mr. Purdy—8. A bill vesting the Trustees of the Towns of Lebanon and Springfield with power to cause certain streets to be McAdamized or paved.

By Mr. McElroy—9. A bill to incorporate the Town of Francisburg, in the county of Union.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 7th and 8th, were ordered to be engrossed and read a third time; the 2d was committed to the committee on Ways and Means; the 3d, 6th and 9th to the committee for Courts of Justice; the 4th to the committee on Internal Improvement; and the 5th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the 1st, 7th and 8th bills having been dispensed with, and the same being engrossed,

*Resolved*, That they do pass, and that the titles thereof be as aforesaid.

Mr. Reeves, from the committee appointed to prepare and bring in the same—reported a bill to establish the Southern Bank of Kentucky.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

*Ordered*, That said bill be committed to a committee of the whole House for Tuesday, the 18th inst.; and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

And then the House adjourned.

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## THURSDAY, DECEMBER 13, 1838.

1. Mr. Reeves presented the petition of Maranda S. E. S. M. Mottley (with other documents,) praying to be divorced from her husband, Paschal Mottley.

2. Mr. Trumbo presented the petition of Keziah Craycraft, praying to be divorced from her husband, Wm. Craycraft.

3. Mr. Hopkins presented the petition of Willie Sugg, praying the passage of a law allowing the redemption of a certain tract of land, which has been forfeited for the non-payment of taxes thereon.

4. Mr. McBrayer presented the petition of the President and Directors of the Board of Internal Improvement for Anderson county, praying the passage of a law making an appropriation for the payment of the balance due for the construction of the turnpike road through said county.

5. Mr. Wintersmith presented the petition of Joshua Holtzclaw (with other documents,) praying to be divorced from his wife, Margaret Holtzclaw.

6. Mr. S. H. Anderson presented the petition or memorial of the Trustees of Centre College, praying an amendment to the charter thereof.

7. Mr. Meriwether presented the petition of Margaret Holtzclaw (with other documents,) praying to be divorced from her husband, Joshua Holtzclaw.

Which petitions were severally received, the reading thereof dispensed with, and referred, the 1st, 2d, 5th and 7th, to the committee on Religion; the 3d to the committee on Propositions and Grievances; the 4th to the committee on Internal Improvement; and the 6th to Messrs. S. H. Anderson, Shanklin, Daviess and Hardy.

Thomas F. Marshall, a member returned to serve in this House from the county of Woodford, appeared, and having produced a certificate of his election, and of his having taken the oath required by law, took his seat.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act allowing an additional Constable to the county of Marion.

An act for the benefit of the Sheriff of Lincoln county.

An act to allow an additional Constable to the county of Hardin.

An act to change the place of voting in the Quicksand and Crawford Precinct in Estill county, and the Dennis' Precinct in Washington county, and to establish an election precinct in Pulaski county.

An act to change the name of James Babcock.

An act for the benefit of the Sheriffs of Logan and Simpson counties.

An act for the benefit of the Sheriff of Garrard county.

An act to amend the Charter of the City of Covington, with an amendment to the last bill.

And the passage of bills from the Senate, of the following titles, viz:

An act to change the place of voting in the Renear Precinct, in Butler county.

An act for the benefit of Lucy Jacobs.

An act for the benefit of James Bartly, Sheriff of Greenup county.

Mr. Swope, from the committee on Privileges and Elections, made the following report, viz:

The Committee on Privileges and Elections have, according to order, had under consideration, the returns of the Sheriffs of this Commonwealth; and

Report, that the following gentlemen are returned, as duly elected, members of the House of Representatives, for the present General Assembly, viz:

From the county of *Adair*—Chapman Dohoney:
From the county of *Allen*—Thomas Sutton:
From the county of *Anderson*—Andrew McBrayer:
From the county of *Bourbon*—Hiram M. Bledsoe, and Elezemond Basye
From the county of *Bracken*—David Brooks:
From the counties of *Butler* and *Edmonson*—John T. Burden:
From the county of *Bullitt*—John Graham:
From the county of *Bath*—John A. Trumbo:
From the county of *Barren*—James G. Hardy and John W. Ritter:
From the counties of *Breckinridge* and *Hancock*—Alfred Allen:
From the county of *Boone*—Randal Latimer:
From the county of *Campbell*—John A. Goodson and John J. Thomas:
From the counties of *Clay* and *Perry*—William Morris:
From the counties of *Cumberland* and *Clinton*—Thomas S. Ellison:
From the county of *Caldwell*—Linah Mims:
From the county of *Christian*—Ninian E. Gray and Benj. Bradshaw:
From the county of *Clarke*—Fielding A. Combs and Zachariah Haggard:
From the county of *Calloway*—Vincent A. Wade:
From the county of *Casey*—John Riffe:
From the county of *Daviess*—William Newton:
From the county of *Estill*—Isaac Thornburg:
From the county of *Fleming*—Landaff W. Andrews and William W. Blair:
From the county of *Franklin*—Charles S. Morehead:
From the county of *Fayette*—William Rodes, Larkin B. Smith, and Henry Clay, Jr.:
From the counties of *Floyd* and *Pike*—Henry C. Harris:
From the county of *Garrard*—Robert P. Letcher and Simeon H. Anderson:
From the county of *Green*—Richard A. Buckner and Alfred Anderson:
From the county of *Greenup*—David Trimble:
From the counties of *Gallatin*, *Carroll* and *Trimble*—William Root:
From the counties of *Graves* and *McCracken*—George M. Pirtle:
From the county of *Grant*—Lewis Myers:
From the county of *Grayson*—Valentine Yates:
From the county of *Harrison*—Hugh Newell and Whitehead Coleman:
From the county of *Hardin*—John Cofer and Chas. G. Wintersmith:
From the county of *Hart*—Benjamin B. Edmonson:
From the county of *Hopkins*—William Bradley:
From the county of *Hickman*—Samuel P. McFall:
From the county of *Henry*—Joseph Lecompte and John W. O'Bannon:
From the county of *Henderson*—Edmund H. Hopkins:
From the county of *Jefferson*—Patrick H. Pope and David Meriwether:
From the counties of *Knox* and *Harlan*—James B. Dorton:
From the city of *Louisville*—William H. Field and Percival Butler:
From the county of *Jessamine*—George S. Shanklin:
From the county of *Livingston*—Joseph Hughes:
From the county of *Lincoln*—Hartwell A. Bailey:

From the county of *Logan*—Robert Browder and Benjamin E. Gray:
From the county of *Lewis*—Thomas J. Walker:
From the counties of *Lawrence* and *Morgan*—Green V. Goble:
From the county of *Mason*—John A. M'Clung and James W. Waddle:
From the county of *Monroe*—William G. Howard:
From the county of *Mercer*—Ludwell C. Cornish and William Daviess
From the county of *Marion*—Edward C. Purdy:
From the county of *Meade*—Thomas J. Gough:
From the county of *Madison*—William T. Fox and Thos. Royston:
From the county of *Montgomery*—Richard Apperson:
From the county of *Muhlenburg*—James Taggart:
From the county of *Nelson*—G. Clayton Slaughter and Asher Bodine:
From the county of *Nicholas*—John W. Sharpe:
From the county of *Oldham*—Camden M. Ballard;
From the county of *Ohio*—Alexander R. Rowan:
From the county of *Owen*—Joseph W. Rowlett:
From the county of *Pendleton*—Samuel F. Swope:
From the county of *Pulaski*—Charles Jasper:
From the counties of *Rockcastle* and *Laurel*—Thomas J. Buford:
From the county of *Russell*—Nathan McClure:
From the county of *Shelby*—James C. Sprigg and William C. Bullock:
From the county of *Scott*—George W. Johnson and Stephen F. Gano:
From the county of *Simpson*—John Finn:
From the county of *Spencer*—Stilwell Heady:
From the county of *Todd*—Benjamin H. Reeves:
From the county of *Trigg*—Thomas B. Redd:
From the county of *Union*—Hiram McElroy:
From the county of *Warren*—John F. Todd and Isaac Smith:
From the county of *Washington*—Christopher A. Rudd:
From the county of *Wayne*—Shelby Coffey:
From the county of *Whitley*—Dempsey White:
From the county of *Woodford*—Thomas F. Marshall.

All of which is respectfully submitted.

Mr. Pope, from the committee on Claims, to whom was referred the petition of Henry C. Thomas, and of William B. Duncan—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected.

Which being twice read, was concurred in.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred the petition of John F. Conn—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Buckner, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of providing by law for the sale of estates of idiots, under the direction of the Chancellor—reported the same with the following resolution, viz:

*Resolved*, That it is inexpedient to legislate on that subject.

Which being twice read, was concurred in.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Horace M. Green; of Solomon Garlan; of Elizabeth Roberts; of Margaret Parker; of John West, and of Isaac Mize—reported the same with the following resolution, viz:

*Resolved*, That the prayer of said petitions be rejected.

Which being twice read, was concurred in.

The Speaker laid before the House, the report of the Board of Internal Improvement, with documents accompanying the same.

[*For this report—see Appendix.*]

On motion of Mr. S. H. Anderson,

*Ordered*, That the same be referred to the committee of Internal Improvement; and that the Public Printer forthwith print 3,000 copies of said report, and 150 copies of the documents, for the use of the members of this House.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred leave to bring in a bill for lessening the salaries of certain public officers, and for other purposes—asked leave to be discharged from the further consideration thereof; which was granted.

*Ordered*, That the same be referred to a committee, consisting of Messrs. Coffey, Rowlett, Rudd, Buckner, Lecompte, Apperson, McElroy and Todd.

Mr. Meriwether, from the same committee, to whom was referred leave to bring in a bill to amend the law requiring the several County Courts in this Commonwealth to furnish a standard of weights and measures for each county—asked leave to be discharged from the further consideration thereof; which was granted.

*Ordered*, That the same be referred to a select committee, of Messrs. O'Bannon, Thomas, Ballard and Morehead.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill appropriating a sum of money to build a bridge across Pond creek, between Jefferson and Oldham counties—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the same was rejected.

Mr. Swope, from the committee on Privileges and Elections, to whom was referred a bill to change the place of voting in the Stephensport Precinct, in Breckinridge county—reported the same with an amendment; which was concurred in.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to reduce the price of vacant lands of this Commonwealth—reported the same with an amendment—which was concurred in; and other amendments being offered thereto,

*Ordered*, That said bill be committed to the committee for Courts of Justice.

Mr. Clay, from the committee on Education, to whom was referred a bill to incorporate the Hopkinsville Female Academy—reported the same with an amendment; which was concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of James R. Hughes, the Clerk of the Union Circuit and County Courts—reported the same with an amendment; which was concurred in.

*Ordered*, That said bill as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be amended to read, "an act for the benefit of the Clerks of this Commonwealth."

Mr. Blair, from the committee on Agriculture and Manufactures, to whom was referred a bill to incorporate the Goulding Patent Bagging Manufacturing Company—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

And the same was accordingly read a third time.

Mr. Morehead moved to amend said bill, by adding thereto a clause by way of engrossed ryder.

*Ordered*, That said bill and amendment be laid on the table for the present.

The amendment proposed by the Senate to a bill from this House, entitled an act to amend the Charter of the City of Covington, was taken up, twice read, and concurred in.

Bills from the Senate, of the following titles, viz:

1. An act for the benefit of John W. Simpson.
2. An act for the benefit of the estate of David Campbell.

3. An act to authorize elections to be held in the Glasgow and Scottsville turnpike road.

4. An act to amend the law incorporating the Town of Bardstown.

5. An act for the benefit of Lucy Jacobs.

6. An act for the benefit of James Bartley, Sheriff of Greenup county.

7. An act to change the place of voting in the Renear Precinct, in Butler couny.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d and 4th were committed to the committee for Courts of Justice; the 3d, 6th and 7th were ordered to be read a third time; and the 5th was committed to the committee on Religion.

The rule of the House, constitutional provision and third reading of the 3d, 6th and 7th bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The joint resolution offered by Mr. Slaughter, giving to the members of the Board of Internal Improvement the use of the books in the Public Library, was taken up, twice read, and adopted.

A bill for the better securing the public offices against loss by fire, was read a second time.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative.

And so the said bill was rejected.

An engrossed bill, entitled, an act in relation to the registration of mortgages and deeds of trust, was read a third time.

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to prescribe the mode of printing and distributing the laws of this Commonwealth, was read a third time.

On motion of Mr. A. Anderson,

*Ordered*, That said bill be laid on the table for the present.

Mr. Graham asked leave to withdraw the petition of John Graham, adm'r. of F. G. Alexander, dec'd.; and of Henry C. Thomas—which was granted, and the petitions accordingly withdrawn.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—1. A bill to establish an election precinct in Ohio county.

By the committee for Courts of Justice—2. A bill for the benefit of the infant heirs of Henry Crittenden, dec'd.

By the committee on Religion—3. A bill for the benefit of Henry G. A. Blankman.

By the committee on Education—4. A bill to incorporate the Louisa Literary Society.

By Mr. Bledsoe—5. A bill to amend the several acts concerning the town of Paris.

By Mr. Burden—6. A bill to repeal the Virginia Statute in force in this Commonwealth, passed in the year 1738, entitled, an act for the better preservation of the breed of deer, and preventing unlawful hunting.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d and 4th were ordered to be engrossed and read a third time; and the 5th and 6th were committed to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d and 4th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Morehead, from the committee on the Sinking Fund, reported a bill further to enforce the payments of the State dividends declared by certain incorporated companies, and for other purposes.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill was then dispensed with.

*Ordered*, That the Public Printer forthwith print 150 copies of said bill for the use of the members of this House.

Mr. Trumbo, from the majority, moved a reconsideration of the vote on yesterday, granting leave to withdraw the petition of Hugh Lane.

And the question being taken thereon, it was decided in the affirmative.

*Ordered*, That said petition be referred to the committee on Religion.

Mr. Trumbo moved the following resolution, viz:

*Resolved*, That the committee on Religion, in hearing the petition of Hugh Lane, for a divorce, be instructed to hear any parole evidence that may be offered.

Mr. Wintersmith moved to amend said resolution, by adding the following proviso:

"Provided that it shall appear that reasonable notice had been given to the other party, or their agent or attorney, of the introduction of such testimony."

And the question being taken upon the adoption thereof, it was decided in the affirmative.

Mr. Meriwether moved further to amend said resolution, by adding thereto the following proviso:

"Provided such evidence shall be confined to the grounds set forth in the notice of his intention to apply for a divorce."

And the question being taken on the adoption thereof, it was decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McClung and Harris, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goodson, | Morris, |
| Bailey, | Gough, | Myers, |
| Ballard, | Graham, | Newell, |
| Blair, | Gray, N. E. | Pirtle, |
| Bradley, | Haggard, | Pope, |
| Buford, | Hardy, | Redd, |
| Coleman, | Harris, | Riffe, |
| Coffey, | Heady, | Root, |
| Combs, | Hughes, | Rowan, |
| Cornish, | Jasper, | Rowlett, |
| Dohoney, | Johnson, | Smith, L. B. |
| Edmonson, | Latimer, | Sprigg, |
| Ellison, | Lecompte, | Taggart, |
| Field, | McClure, | Thomas, |
| Finn, | McFall, | Thornburg, |
| Fox, | Meriwether, | Trumbo, |
| Goble, | Mims, | Walker—51. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Cofer, | Purdy, |
| Messrs. Allen, | Daviess, | Ritter, |
| Anderson, S. H. | Dorton, | Rodes, |
| Andrews, | Gano, | Royston, |
| Apperson, | Gray, B. E. | Shanklin, |
| Basye, | Hopkins, | Slaughter, |
| Bledsoe, | Howard, | Smith, I. |
| Bodine, | Marshall, | Sutton, |
| Bradshaw, | McBrayer, | Todd, |
| Brooks, | McClung, | Waddle, |
| Browder, | McElroy, | Wade, |
| Bullock, | Morehead, | White, |
| Burden, | Newton, | Wintersmith, |
| Butler, | O'Bannon, | Yates—42. |

And then the House adjourned.

## FRIDAY, DECEMBER 14, 1838.

1. Mr. Myers presented the petition of Adam R. Walker (with other documents,) praying to be divorced from his wife, Malinda M. Walker.

2. Mr. Mims presented the petition of Isaac Grubbs, Sheriff of Caldwell, praying the passage of a law allowing him further time to pay into the Treasury, the revenue due from said county.

3. Mr. Browder presented the petition of sundry citizens of Russellville, praying the passage of a law allowing an additional Constable to Logan county, to reside in said town.

4. Also, the petition of Ann Caldwell, and others on her behalf, praying the passage of a law releasing her from the payment of a debt, due by her to the Bank of the Commonwealth.

5. Mr. Pirtle presented the petition of sundry citizens west of the Tennessee river, praying the passage of a law establishing the Southwestern Real Estate Bank.

Which petitions were severally received, the reading thereof (except the 5th, which was read,) dispensed with, and referred: the 1st to the committee on Religion; the 2d to the committee on Ways and Means; the 3d to Messrs. Browder, B. E. Gray and Todd; the 4th to the committee on Claims; and the 5th to the committee on Banks.

Leave was given to bring in the following bills, viz:

On motion of Mr. Ritter—1. A bill to prescribe and regulate the duties of Clerks of County and Circuit Courts, and of County Attorneys.

On motion of Mr. Coleman—2. A bill to extend the jurisdiction of Magistrates to all sums of one hundred dollars and under, on bonds and notes of hand, and for other purposes.

On motion of Mr. Dorton—3. A bill to provide for the improvement of the road called and known by the name of the Raccoon Shoot.

On motion of Mr. McClung—4. A bill for the benefit of the mechanics of Maysville.

On motion of Mr. Apperson—5. A bill to amend the attachment laws of this Commonwealth.

On motion of Mr. Swope—6. A bill to increase the capital stock in the Falmouth Bridge Company, and for other purposes.

On motion of Mr. Buford—7. A bill for the benefit of Solomon Garland.

On motion of Mr. Marshall—8. A bill to form a new Judicial District.

*Ordered*, That Messrs. Ritter, Walker and A. Anderson, prepare and bring in the 1st; Messrs. Coleman, Newell, Swope and Ballard, the 2d;

Messrs. Dorton, Fox, Buford and White, the 3d; the committee for Courts of Justice, the 4th; Messrs. Apperson, Allen, McClung and Marshall, the 5th; Messrs. Swope, A. Anderson, Basye and Andrews, the 6th; Messrs. Buford, Morris, Davis and Trumbo, the 7th; and Messrs. Marshall, Morehead, Sprigg and McBrayer, the 8th.

Mr. Browder, from the committee on Religion, to whom was referred the petition of Louisa A. Reed; of Thomas Newton and Mary Newton; and of Rhodes S. Wilson and Hannah A. Wilson, each praying for divorces—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected.

Which being twice read, were concurred in.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

An act to allow an additional Justice of the Peace for the county of Logan—with amendments to each.

And the passage of bills from the Senate, of the following titles, viz:

An act to repeal the law prohibiting the importation of slaves into this State, approved February 2d, 1838.

An act to amend the law incorporating the Town of Simpsonsville, in Shelby county.

And resolutions in relation to a Public Armory.

Mr. Browder, from the committee on Religion, asked leave to be discharged from the further consideration of a resolution, requiring them to inquire into the expediency of so amending the several acts of Assembly of this Commonwealth, on the subject of alimony and divorces, so as to increase the jurisdiction of the several Circuit Courts on those cases; which was granted.

*Ordered*, That the same be referred to the committee for Courts of Justice.

Mr. Thornburg moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the propriety of appropriating a sum of money to improve that part of the road leading from Irvine to the Perry county line, where it passes over Mount Scratchum and old Landing hills.

Which being twice read, was adopted.

Mr. Edmonson moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency and propriety of so amending the law, in relation to the Judicial districts of this State, as to equalizing, as near as practicable, the labor of the Circuit Court Judges; and if necessary, to form new Judicial districts, to effectuate that object.

*Resolved*, That said committee inquire into the propriety of reducing the terms of the Circuit Courts to two during the year; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. B. E. Gray moved the following resolution, viz:

*Resolved*, That the committee on the Expenditures of the Board of Internal Improvement be instructed to inquire into and report to this House, to what turnpike or other roads in this Commonwealth, subscriptions have at any time been made on the part of the State, more than equaling that of individuals, and in what proposition subscriptions were made on those roads.

Which being twice read, was adopted.

Mr. S. H. Anderson moved the following resolution, viz:

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of making some disposition of the lands forfeited to this Commonwealth for the non-payment of taxes; and of providing some mode of coercing the taxes now due on said lands; and that they report by bill or otherwise.

Which being twice read, was adopted.

The Speaker laid before the House, the report of the Secretary of State, enclosing the monthly balances of the Auditor of Public Accounts, and the Treasurer.

*Ordered*, That the same be referred to the joint committee on the Public Offices.

Mr. Pope, from the committee on Claims, to whom was referred a bill for the benefit of the Sheriffs of Breckinridge and Hancock counties—reported the same, with an amendment as a substitute for the bill.

Which being twice read, was concurred in.

*Ordered*, That said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be amended to read as follows: "an act for the benefit of the Clerks and Sheriffs of this Commonwealth."

Mr. Coffey moved to take up the leave to bring in a bill to take the sense of the people of this Commonwealth, upon the propriety of calling a Convention, to revise the Constitution of this State.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Coffey and Lecompte, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Goodson, | Morris, |
| Blair, | Harris, | Pirtle, |
| Bradley, | Jasper, | Riffe, |
| Coffey, | Lecompte, | Thomas, |

| | | |
|---|---|---|
| Dohoney, | McElroy, | Trumbo, |
| Dorton, | McFall, | Wade, |
| Finn, | Mims, | Walker—21. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | Pope, |
| Messrs. Anderson, A. | Gano, | Purdy, |
| Anderson, S. H. | Goble, | Redd, |
| Apperson, | Gough, | Reeves, |
| Bailey, | Graham, | Ritter, |
| Ballard, | Gray, B. E. | Root, |
| Basye, | Gray, N. E. | Rowan, |
| Bledsoe, | Haggard, | Rowlett, |
| Bodine, | Hardy, | Royston, |
| Bradshaw, | Heady, | Rudd, |
| Brooks, | Hopkins, | Shanklin, |
| Browder, | Howard, | Sharpe, |
| Buford, | Hughes, | Slaughter, |
| Bullock, | Johnson, | Smith, I. |
| Buckner, | Latimer, | Smith, L. B. |
| Burden, | Marshall, | Sprigg, |
| Butler, | McBrayer, | Sutton, |
| Clay, | McClung, | Swope, |
| Coleman, | McClure, | Taggart, |
| Cofer, | Meriwether, | Thornburg, |
| Cornish, | Myers, | Todd, |
| Daviess, | Newell, | Waddle, |
| Edmonson, | Newton, | White, |
| Ellison, | O'Bannon, | Yates—72. |

Mr. Browder, from the committee on Religion, moved a reconsideration of the vote rejecting the petition of Rhodes S. Wilson and Hannah A. Wilson.

And it was decided in the affirmative.

*Ordered*, That said petition be referred to the committee for Courts of Justice; and that they report whether the statute gives to the parties a legal remedy.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—1. A bill to change the place of voting in the Floydsburg Precinct, in Oldham county.

By the committee on Ways and Means—2. A bill for the benefit of Thos. H. Bacon.

By the committee on Agriculture and Manufactures—3. A bill to amend an act, entitled, an act to amend and reduce into one, the several acts for the inspection of tobacco, approved Feb. 10, 1798.

By Mr. Cofer—4. A bill to amend the election laws.

By Mr. Goble—5. A bill to have the line run and marked between the counties of Morgan and Floyd.

By Mr. Browder—6. A bill for the benefit of Wm. Kercheval.

By Mr. Bullock—7. A bill further regulating the fees of Justices of the Peace.

By Mr. I. Smith—8. A bill to amend the law in relation to the appointment of Constables.

By Mr. White—9. A bill to run and mark the line dividing the counties of Knox and Whitley.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 3d, 5th, 6th, 7th, 8th and 9th bills having been dispensed with, the 1st, 5th, 6th and 9th were ordered to be engrossed and read a third time; the 3d, 7th and 8th were committed to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 5th, 6th and 9th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Root, from the committee appointed to prepare and bring in the same, reported a bill to exempt persons laboring upon works of Internal Improvement, from militia duty and working on roads.

Which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Apperson, from the committee appointed to prepare and bring in the same, reported a bill to establish Orphans' Courts in this Commonwealth.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

*Ordered*, That said bill be committed to the committee for Courts of Justice; and that the Public Printer forthwith print 150 copies thereof for the use of the members of this House.

The amendments proposed by the Senate, to bills from this House of the following titles, viz:

1. An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

2. An act to allow an additional Justice of the Peace for the county of Logan,

Were taken up, read and concurred in, with an amendment to the amendment of the latter bill.

Bills from the Senate, of the following titles, viz:

1. An act to amend the law incorporating the town of Simpsonsville, in Shelby county.

2. An act to repeal the law prohibiting the importation of slaves into this State, approved Feb. 2, 1833,

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was ordered to be read a third time, and the 2d was committed to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The resolutions from the Senate, in relation to a Public Armory, were taken up, twice read, and concurred in.

And then the House adjourned.

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## SATURDAY, DECEMBER 15, 1838.

The Speaker laid before the House the annual report of the Auditor of Public Accounts.

[*For this report—see Appendix.*]

*Ordered*, That the same be referred to the committee on Ways and Means; and that the Public Printer forthwith print 150 copies of said report for the use of the members of this House.

1. Mr. Sutton presented the petition of Henry C. Carouth and L. W. Evans, and sundry other citizens, praying the passage of a law authorizing said Carouth and Evans to bring into this State a negro man.

2. Mr. Buford presented the petition of Jeremiah Smith, and sundry other citizens, praying that said Smith may be permitted to erect a dam across the middle fork of the Kentucky river.

Which were severally received, the reading thereof dispensed with, and referred: the 1st to Messrs. Sutton, I. Smith and Walker; and the second to the committee on Internal Improvement.

Mr. Bledsoe, from the committee on Propositions and Grievances, to whom was referred a bill to release from forfeiture and remit the taxes on certain

lands belonging to the estate of George Morris, dec'd—reported the same with an amendment.

Which being twice read, was concurred in.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of John W. Simpson:

An act for the benefit of the estate of David Campbell—reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Buckner, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law incorporating the Town of Bardstown—reported the same with amendments.

Which being twice read, were concurred in.

The question was then taken on reading said bill a third time, as amended, and it was decided in the negative.

So the said bill was disagreed to.

Mr. Buckner, from the same committee, to whom was referred the petition of Joseph Lindsay and wife—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill for the benefit of Robert Arberry—reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Browder, from the committee on Religion, to whom was referred the petition of Maranda S. E. S. M. Mottley—reported the same, with the following resolution, viz:

*Resolved*, That the said petition be rejected.

M. Edmonson then moved the following resolution, viz:

*Resolved*, That said petition be recommitted to the committee on Religion, with instructions to admit parole testimony upon the grounds set forth in the petition.

Mr. S. H. Anderson moved the following, as a substitute for the resolution offered by Mr. Edmonson, viz:

*Resolved*, That the petition of Maranda Mottley be committed to the committee for Courts of Justice, with instructions to report a bill, making habitual drunkenness a sufficient ground for a divorce in a Court of Chancery; and that they also inquire into the expediency of authorizing the Chancellor to exercise the same control over the persons and estates of *habitual drunkards*, that he is authorized to exercise over the persons and estates of lunatics.

And the question being taken thereon, it was decided in the affirmative.

Mr. Clay, from the committee on Education, asked leave to be discharged from the further consideration of a resolution, instructing them to inquire into the expediency of allowing, to the Trustees of the Anderson County Seminary, a sum of money in lieu of the land appropriated for the benefit of the said Seminary, which was never obtained; which was granted.

*Ordered*, That said resolution be committed to the committee on Claims.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Claims—1. A bill for the benefit of James Walden.

By the committee for Courts of Justice—2. A bill for the benefit of the heirs and representatives of Eliza Murray, dec'd.

By the committee on Religion—3. A bill for the benefit of Margaret Holtzclaw.

By same—4. A bill for the benefit of Keziah Craycraft.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, the 3d and 4th were ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 3d and 4th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Shanklin, from the joint committee on Enrollments, reported that the commitee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to amend the Charter of the City of Covington.

An act for the benefit of Mary Ann Sellers and Sarah Elizabeth Sellers.

An act for the benefit of the Sheriff of Garrard county.

An act for the benefit of the Sheriffs of Logan and Simpson counties.

An act to change the names of Mary Ann Brumley and Abigail Ann Brumley.

An act to change the place of voting in the Mulliken Precinct, in Fleming county.

An act for the benefit of John L. Cole, of Barren county.

An act for the benefit of Eliza Hancock.

An act to change the name of James Babcock.

An act to change the place of voting in the Quicksand and Crawford Precinct in Estill county, and the Dennis' Precinct in Washington county, and to establish an election precinct in Pulaski county.

An act for the benefit of the Sheriff of Lincoln county.

An act allowing an additional Constable to the county of Marion.

An act to allow an additional Constable to the county of Hardin.

An act for the benefit of James Bartly, Sheriff of Greenup county.

An act to authorize elections to be held in the Glasgow and Scottsville turnpike road.

An act to change the place of voting in the Renear Precinct, in Butler county.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

Mr. McClung read and laid on the table, the following resolution, viz:

*Resolved by the Senate and House of Representatives*, That when they adjourn on Saturday, the 22d inst., they will adjourn to meet again on Monday, the 31st.

And then the House adjourned.

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## MONDAY, DECEMBER 17, 1838.

1. Mr. N. E. Gray presented the petition of Wm. Radford, praying the passage of a law permitting him to bring into this State a certain slave.

2. Mr. Ballard presented the petition and remonstrances of sundry citizens of Oldham and Trimble counties, for and against the formation of a new county, out of parts of said counties.

Which petitions and remonstrances were received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

The Speaker laid before the House, the annual report of the Agent of the Old Bank of Kentucky, which is as follows, viz:

(OLD) BANK OF KENTUCKY,
*December 16th*, 1838.

Hon. ROBERT P. LETCHER,
*Speaker House of Representatives:*

Sir—I herewith inclose the annual statement of the situation of this Institution.

Only six dollars of the notes in circulation have been presented, the present year, for payment. It may therefore be estimated that at least $30,000 will be gained to the institution by the loss and destruction of her notes.

At the session of 1834–5, the then President and Cashier, after making an examination of the situation of the institution, estimated the value of the stock belonging to the State, to be equal to $35,082 50. I have heretofore paid over to the Treasurer, the sum of $35,802; and will, in the month of March next, be enabled to pay the further sum of $5,967; and to individual stockholders, the sum of $9,281—making $15,148.

The remaining interest of the State and individual stockholders, after the dividend in March, will probably be equal to about $15,000; being about $30,000 over and above the estimates made in 1834–5.

Every exertion will be made to a final close of the institution the ensuing year.

I am, very respectfully,

H. BLANTON, *Agent.*

*Statement of the situation of the Old Bank of Kentucky, Dec. 10th*, 1838.

| | |
|---|---|
| Notes issued, | $30,472 64 |
| Surplus profits, | 248,314 69 |
| Current profits, | 2,978 16 |
| Stock, | 212,864 00 |
| Due to individuals, | 52,075 90 |
| Due to other Banks, | 1,295 78 |
| | $548,001 17 |

| | |
|---|---|
| Current expenses, | $519 52 |
| Real Estate, | 130,433 81 |
| Loss on real estate, | 56,195 62 |
| Defalcation at Branches, | 20,678 67 |
| Due from individuals, | 321,539 87 |
| In Bank, and cash on hand, | 18,633 68 |
| | $548,001 17 |

H. BLANTON, *Agent.*

The Speaker laid before the House, a response from the Chief Engineer of the State, inclosing a diagram of the several turnpike roads now finished or in progress in this Commonwealth.

Mr. S. H. Anderson then moved the following resolution, viz:

*Resolved*, That the Sergeant-at-Arms of this House be directed to have the diagram of turnpike roads (prepared by the Chief Engineer, under a resolution of this House,) prepared with rollers, and placed at some convenient place, in the committee room of Internal Improvement, for inspection and examination.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Sutton—1. A bill to establish an election precinct in the county of Allen, and for other purposes.

On the motion of same—2. A bill to give to Justices of the Peace in this Commonwealth, jurisdiction in cases of trespass, and trespass on the case where the damages are laid to five pounds or under.

On the motion of Mr. Trumbo—3. A bill for the benefit of Wm. Vice, of Bath county.

On the motion of Mr. Goodson—4. A bill to incorporate the Covington Factory Company.

On the motion of Mr. Rodes—5. A bill for the benefit of Henry Clay, Jr.

On the motion of Mr. Edmonson—6. A bill to incorporate the Millerstown Bridge Company, and for other purposes.

On the motion of Mr. Hopkins—7. A bill to amend an act, entitled, an act to amend an act to incorporate the Town of Steemport, in the county of Henderson.

On the motion of Mr. Dorton—8. A bill to change the time of holding the Harlan and Perry Circuit Courts.

On the motion of same—9. A bill to revive the 2d and 3d sections of an act, approved January 27th, 1838, adding part of Harlan county to Knox.

On the motion of Mr. Browder—10. A bill for the benefit of George O. Stovall.

On the motion of Mr. Fox—11. A bill to change the name of one of the Commissioners to superintend the road from Richmond to the forks of the roads at Mrs. Pitman's, in Laurel county.

On the motion of Mr. Goble—12. A bill for the improvement of the road from Catlettsburg to Prestonsburg, by erecting bridges across certain creeks thereon.

On the motion of Mr. Apperson—13. A bill for the benefit of Charles S. Gatewood and others.

On the motion of same—14. A bill to prevent the wearing of concealed weapons, and for other purposes.

Messrs. Sutton, Howard and Jasper, were appointed to prepare and bring in the 1st; Messrs. Sutton, Hardy and I. Smith, the 2d; Messrs. Trumbo, Andrews, Blair and Goble, the 3d; Messrs. Goodson, Thomas and Field, the 4th; the committee on Claims the 5th; Messrs. Edmonson, Yates and Cofer, the 6th; Messrs. Hopkins, Bradley and Newton, the 7th; Messrs. Dor-

ton, Mims, Buford and White, the 8th; Messrs. Dorton, Harris, Fox and Buford, the 9th; Messrs. Browder, B. E. Gray and Bledsoe, the 10th; Messrs. Fox, White and Buford, the 11th; Messrs. Goble, Harris and Trumbo, the 12th; Messrs. Apperson, Johnson, Harris and Trumbo, the 13th; and Messrs. Apperson, S. H. Anderson, Trimble, Hopkins and McElroy, the 14th.

Mr. O'Bannon, from the committee on Military Affairs, reported a bill to amend an act, entitled, an act to amend the militia law of this State.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with.

The question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act providing for a change of venue in a prosecution for felony against Joel (alias Joseph) Turnham, Jr.

And the passage of a bill from the Senate, entitled, an act prescribing further duties to the Commissioners of the Revenue.

And resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Dohoney—1. A bill making an appropriation to build a bridge across Russell's creek, in Adair county, and for other purposes.

By Mr. Ritter—2. A bill to prescribe and regulate the duty of Clerks of County and Circuit Courts, and of County Attorneys.

By Mr. Wade—3. A bill to authorize the entry of vacant fractions of land, west of the Tennessee river.

By Mr. Rodes—4. A bill to amend the charter of the Richmond and Lexington Turnpike Road Company.

By Mr. S. H. Anderson—5. A bill to amend the charter of Centre College.

By Mr. Yates—6. A bill to establish the Town of Rochester.

By Mr. Wintersmith—7. A bill to incorporate the Nick Biddle Iron Company.

By Mr. O'Bannon—8. A bill to amend the law concerning weights and measures.

By Mr. Hopkins—9. A bill for the benefit of the Sheriff of Henderson county.

By Mr. Rudd—10. A bill to provide for the extension of the Lexington, Nicholasville and Danville turnpike road, from Danville, and to unite the

same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

By Mr. Browder—11. A bill to allow an additional Constable to the county of Logan.

By Mr. Taggart—12. A bill to increase the compensation of Grand Jurors.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 4th and 10th, were committed to the committee on Internal Improvement; the 2d, 3d, 6th and 12th, to the committee for Courts of Justice; the 5th and 11th were severally ordered to be engrossed and read a third time; the 7th committed to the committee on Agriculture and Manufactures; and the 8th and 9th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 5th and 11th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

The House then took up for consideration, the joint resolution for the appointment of a joint committee to examine Transylvania University and the Lunatic Asylum,

Which being twice read, was adopted.

Mr. Wintersmith moved a reconsideration of the vote by which a bill for the benefit of Robert Arberry was rejected.

And the vote being taken thereon, it was decided in the affirmative.

*Ordered*, That said bill be recommitted to the committee on Internal Improvement.

On motion of Mr. Butler, the House then took up for consideration, a bill to incorporate the Goulding Patent Bagging Manufacturing Company.

Which reads as follows, viz:

An act to incorporate the Goulding Patent Bagging Manufacturing Company.

Section 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That James Anderson, Thomas Anderson, Purley Chamberlain, Amos Cutter, Andrew Low, John Goulding, Isaac Thayer, Robert Wallack, and Silas Lillard, and those who may hereafter associate with them as stockholders, and their successors, be, and they are hereby, created a body politic and corporate, until the year one thousand eight hundred and sixty, by the name of The Goulding Patent Bagging Manufacturing Company; and by that name, are hereby made able and capable in law, to take, purchase, hold and possess, lands, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding five hundred thousand dollars, and the same to sell, grant, demise, alien, and dispose of, at pleasure; also to sue and

be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and elsewhere; they may establish and put in force, all such by-laws and ordinances as may be conducive and proper for the government of said corporation, and the management of its fiscal and prudential concerns, and the direction of its officers and agents; they may have and use a common seal, and change, alter, and renew the same, at pleasure, and may generally do and perform all such acts and things, for the purpose of carrying into effect the object of this act, that corporations for limited purposes may lawfully do; so not contrary to the Constitution and Laws of this, or of the United States.

SEC. 2. That the capital of said Company shall be one hundred thousand dollars, with the right of increasing the same, from time to time, to five hundred thousand dollars, to be divided into shares of five hundred dollars each, to be subscribed, paid for, and held by the persons named in this act, and their associates, and agreeably to such rules and regulations as the majority of them shall agree to and direct; for which stock, when fully paid for, a certificate shall issue, under the seal of the corporation, signed by the President, and countersigned by the Secretary; which stock may be transferred by the proprietor thereof, by a written transfer on the books of the corporation in person, or by proxy, and the assignee shall have the right to surrender the certificate, and sue out a new one in his own name. The stock shall be personal estate, and pass as such, and each share shall entitle the holder to one vote in all elections and at all meetings of the stockholders; and that the original distribution of the stock shall not be changed, nor a transfer to any other association be made, without the consent of three fourths of the stockholders, but the stock shall pass to any executor, or administrator, who shall be entitled to vote on it; and if necessary for the payment of debts, may be sold without the consent of the stockholders.

SEC. 3. That Jas. Anderson, Thos. Anderson and Purley Chamberlain, or one or more of them, may call the first meeting of the corporation, at any convenient time and place, in the city of Louisville, on ten days' notice, in writing, or by publication in a newspaper printed in the city of Louisville; and the members of the corporation at that time, and, on the first Monday of January in each year thereafter, shall elect a Business Committee, to consist of five stockholders, one of whom shall be voted for as President; and to the business committee shall be confided the business of the corporation, which shall be to carry on the manufacturing of rope, bagging and other cloths, of which hemp, flax, tow, manilla grass, cotton, wool, silk and other fibrous materials may be the principal component; and, also, in the preparation of such materials for that purpose: and they may purchase and erect such mills and works, machinery and buildings, as may be useful to carry on their useful manufactures, and branches of business; and the President shall, on the first Monday of January and July, in each year, cause to be made a statement of the business and accounts of the company, and a balance sheet of its affairs, and the business committee may divide the semi-annual profits arising from the business, and pay the same over to the stockholders; but no such dividend shall reduce the capital stock, nor shall the capital stock be withdrawn.

SEC. 4. The president and committee shall continue in office until their successors are elected and qualified; and, in case the president or either of the committee dies or resigns, the remainder shall supply the vacancy for

the residue of the term; but none but stockholders shall be president or members of the business committee.

Sec. 5. That the company may, at any time (three fourths of the stockholders concurring,) dissolve the corporation and wind up its business: *Provided*, They first pay the debts of the corporation; and, if they shall so dissolve it, or withdraw the capital without paying the debts of the corporation, or shall lessen the capital by declaring dividends when there shall be no profits, the corporators shall be liable for the debts in their individual capacity, and may be made liable by suit in equity against the corporators, to the extent of the amount of their stock.

Sec. 6. The business committee shall appoint a Secretary and a Treasurer, and such other laborers and agents as the business of the corporation may require, and they shall be under the direction and control of said committee, who may remove them at pleasure. They shall cause a correct record of the proceedings of the corporation to be kept, and faithful and correct books to be kept of the business and operations of the company; and any violations of the Charter shall operate as a forfeiture of the corporate privileges.

Sec. 7. The corporation may go into operation as soon as one hundred shares shall be subscribed, and the residue may be sold at such times and in such manner as the corporators shall agree on.

The amendment heretofore offered by Mr. Morehead, by way of engrossed ryder, reads as follows, viz:

"Provided, that the Legislature reserves the right to change and modify this Charter at pleasure; *and to tax the stock of said Company, in any sum not exceeding fifty cents on the share.*"

Mr. Butler moved to amend said amendment, by striking out all after the word "pleasure."

Mr. Harris moved that said bill and amendments be laid on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Harris and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Finn, | O'Bannon, |
| Messrs. Anderson, A. | Fox, | Pirtle, |
| Andrews, | Goble, | Purdy, |
| Apperson, | Gough, | Redd, |
| Blair, | Haggard, | Rodes, |
| Bodine, | Harris, | Rowan, |
| Bradley, | Hopkins, | Rowlett, |
| Bradshaw, | Howard, | Shanklin, |
| Brooks, | Hughes, | Sharpe, |
| Clay, | Latimer, | Smith, I. |
| Coleman, | Marshall, | Smith, L. B. |
| Coffey, | McBrayer, | Sprigg, |

| | | |
|---|---|---|
| Combs, | McClure, | Sutton, |
| Cornish, | Morehead, | Taggart, |
| Dohoney, | Morris, | Trumbo, |
| Dorton, | Myers, | Wade, |
| Ellison, | Newell, | Walker—51. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gano, | Newton, |
| Anderson, S. H. | Goodson, | Pope, |
| Bailey, | Graham, | Ritter, |
| Ballard, | Gray, N. E. | Root, |
| Bledsoe, | Hardy, | Royston, |
| Browder, | Heady, | Rudd, |
| Buford, | Jasper, | Slaughter, |
| Bullock, | Johnson, | Thomas, |
| Burden, | McClung, | Thornburg, |
| Butler, | McElroy, | Waddle, |
| Cofer, | McFall, | White, |
| Daviess, | Meriwether, | Wintersmith, |
| Edmonson, | Mims, | Yates—39. |

The House then took up for consideration, the resolution for a recess of the General Assembly; which being amended,

Mr. Coffey moved a further amendment thereto; which reads as follows, viz:

*Be it further resolved*, That the members who vote for the above resolution, shall draw no pay for the time of said recess.

And the question being taken upon the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Coffey and Wade, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Howard, | Rowan, |
| Bradley, | Hughes, | Rowlett, |
| Cofer, | Jasper, | Smith, I. |
| Coffey, | Johnson, | Sprigg, |
| Combs, | McClure, | Sutton, |
| Finn, | McElroy, | Taggart, |
| Hardy, | Newell, | Wade, |
| Harris, | Pirtle, | Walker—24. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dohoney, | Morris, |
| Messrs. Allen, | Edmonson, | Myers, |
| Anderson, A. | Ellison, | Newton, |
| Anderson, S. H. | Fox, | Pope, |
| Andrews, | Gano, | Purdy, |
| Apperson, | Goble, | Redd, |

| | | |
|---|---|---|
| Bailey, | Goodson, | Ritter, |
| Blair, | Gough, | Rodes, |
| Bledsoe, | Graham, | Root, |
| Bodine, | Gray, N. E. | Royston, |
| Bradshaw, | Haggard, | Rudd, |
| Brooks, | Heady, | Shanklin, |
| Browder, | Hopkins, | Sharpe, |
| Buford, | Latimer, | Slaughter, |
| Bullock, | Marshall, | Smith, L. B. |
| Burden, | McClung, | Thomas, |
| Butler, | McFall, | Thornburg |
| Clay, | Meriwether, | Waddle, |
| Coleman, | Mims, | White, |
| Cornish, | Morehead, | Yates—61. |
| Daviess, | | |

The question was then taken upon the adoption of the said resolution, as amended, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Coffey and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | Newell, |
| Messrs. Allen, | Goodson, | Newton, |
| Anderson, S. H. | Gough, | Pope, |
| Apperson, | Graham, | Purdy, |
| Bailey, | Haggard, | Rodes, |
| Bledsoe, | Heady, | Root, |
| Bodine, | Hopkins, | Royston, |
| Brooks, | Latimer | Rudd, |
| Bullock, | Marshall, | Shanklin, |
| Butler, | McClung, | Sharpe, |
| Clay, | McFall, | Slaughter, |
| Coleman, | Meriwether, | Smith, L. B. |
| Combs, | Mims, | Thomas, |
| Cornish, | Morehead, | Thornburg, |
| Daviess, | Morris, | Waddle, |
| Dorton, | Myers, | Walker—48. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Finn, | Pirtle, |
| Andrews, | Gano, | Redd, |
| Ballard, | Goble, | Ritter, |
| Blair, | Gray, N. E. | Rowan, |
| Bradley, | Hardy, | Rowlett, |
| Bradshaw, | Harris, | Smith, I. |
| Browder, | Howard, | Sprigg, |
| Buford, | Hughes, | Sutton, |
| Burden, | Jasper, | Taggart, |

| | | |
|---|---|---|
| Cofer, | Johnson, | Wade, |
| Coffey, | McBrayer, | White, |
| Dohoney, | McClure, | Wintersmith, |
| Edmonson, | McElroy, | Yates—41. |
| Ellison, | O'Bannon, | |

Mr. Bledsoe moved the following resolution, viz:

*Be it resolved*, That any member of this House who shall not be in attendance on the first day of January next, (the time the House has resolved to meet, when it adjourns on the 21st inst.,) shall not be entitled to any compensation from that time until he shall take his seat, unless he shall have been prevented by some unavoidable obstacle.

And the question being taken upon the adoption thereof, it was decided in the negative.

And so the said resolution was rejected.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
*Frankfort, December 17th*, 1838.

To the HOUSE OF REPRESENTATIVES:

Gentlemen—In compliance with the requests embodied in your resolutions of the 11th inst., I herewith transmit the papers and correspondence, together with the contract and modified contract of the sale of $1,250,000 Internal Improvement Bonds, negotiated since your last session.

Also, the papers and correspondence in relation to the sale of Internal Improvement Bonds, made to the War Department, in March, 1837—in which will be found a full expose of both transactions.

In responding to that part of the first resolution, requesting "an exhibition of the means or upon what terms the bonds sold during the present year, have been introduced into the European markets," permit me to refer you to the articles of agreement entered into with the purchaser, upon the sale of the Bonds, in which will be found the means taken and the terms provided, for the introduction of the Bonds into the European markets.

The State agreed to pay the principal and interest on these bonds in the city of New York, and the purchaser obligated himself to pay the purchase money at the same place; but by a stipulation in the contract, the purchaser is bound to convert the bonds into sterling bonds, and to pay the interest semi-annually, and the principal at maturity, in the city of London, in sterling money; which agreement was carried into effect, by attaching to each bond the obligation of the American Life Insurance and Trust Company, together with their semi-annual coupons payable in London. This is a valuable provision of the contract, and will redound greatly to the interest of the State in all future negotiations; it relieves the State, in the introduction of her securities into the European markets, from the burthen and expense of forming a character and market for her bonds, and compels the purchaser to incur the cost and encounter the difficulties uniformly attending the negotiation of all initiatory bonds. The importance of this provision becomes more apparent, when we reflect that the number of dealers in

State Stocks within the United States is extremely limited, and that even the small amounts taken by them, are purchased almost entirely for the European market; and that, consequently, the credit and standing of these securities in the European markets, regulate and establish their value at home—hence the inducement to the introduction of this clause in the contract. It adds much to the value of the bonds, and greatly facilitates their sale, to have them formed in the common and familiar currency of the country in which they are bought and sold as permanent investments; and they are rendered still more valuable when the principal and interest are made payable in the principal European mart. Much the greater portion of the American securities are ultimately concentrated in the London market; an investment in such stocks, therefore, will be more sought after, and is always more valuable when the interest and principal are payable there; in which case, the purchaser in person receives his debt and interest at home, instead of being compelled to intrust its collection to agents; nor is he driven to the trouble and danger of traversing the Atlantic to collect it himself, or to incur the additional expense of exchange in transfering the interest semi-annually, and ultimately the principal, from this country to Europe.

The rate of exchange obtained, from the Bank of Kentucky and the Northern Bank of Kentucky, in transfering the Internal Improvement Fund from New York to Kentucky, was upon $110,624 00, two per centum, and upon $1,139,376 00, one and a half per cent. The Banks agreed to dispose of the $550,000 first paid upon the contract, and to pay over the entire premium received, without any compensation therefor. In August, a proposition was made by the purchaser of the bonds to modify the contract, so as to allow him to pay the purchase money more rapidly than was permitted by the original agreement. Upon the perusal of the contract, it will be discovered that it provides for the payment of $250,000 some time previous to the date of the bonds, without interest, and the balance to be paid in monthly instalments of $100,000. It is further stipulated, although the bonds, for the sake of uniformity, bear date the first of July, that the State is only liable for interest upon the amounts paid from the date of each payment. It was correctly supposed that these monthly instalments of $100,000 were sufficient to meet the expenditures of the Board of Internal Improvement; therefore, by accepting the proposition to alter the contract, I would have subjected the State to the payment of interest upon a large amount which could not possibly be used. I consequently determined to reject the proposition to alter the original contract, unless the Bank of Kentucky and the Northern Bank of Kentucky would agree to pay for the remaining $700,000, a premium of one and a half per centum, and an interest equivalent to that payable by the State upon the bonds, so long as these funds should remain on deposit in their respective banks. This proposition was made to the Banks, and accepted by them; although they appeared conscious at the time, that they would incur a loss by the arrangement in the premium given for the eastern funds—which conjecture has since been realized, both of these banks having sold much of this eastern fund for a half per cent less than they paid to the State.

I was induced to make this proposition to the banks, and to accept of the desired amendment of the original contract of sale, in order to secure to the State the premium then given for eastern funds, believing that their relative value would decline, and because it was the obvious interest of these banks

to relieve themselves of their indebtedness to the General Government and the Bank of the United States; and that by inducing the Banks to accede to this proposition, they would be the better enabled to discharge these debts, and at the same time to extend to the citizens of the State the accommodations necessary to the commerce and to the exportation of the products and stock of the country, without the apprehension of losing their specie by the demands of foreign creditors.

Permit me to refer you to the accompanying documents, from which much information of interest in regard to the details of these negotiations may be obtained.

JAS. CLARK.

And then the House adjourned.

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## TUESDAY, DECEMBER 18, 1838.

1. Mr. Yates presented the petition of Thomas Bratcher, and other citizens of Grayson county, praying the passage of a law permitting the erection of a mill dam across Cany creek, in said county.

2. Mr. Harris presented the petition of James Morgan and others, praying the passage of a law authorizing the said Morgan to erect a mill dam across the Louisa fork of Sandy river.

3. Also, the petition of Martha Spurlock, praying the passage of a law authorizing a sale of a part of the real estate and slaves of her deceased husband, for the payment of his debts.

4. Mr. Sprigg presented the memorial of the Trustees of Shelby College, praying an appropriation of a sum of money to said institution.

5. Mr. Field presented the petition of Thomas G. Loyd (with other documents,) praying a divorce from his wife, Catharine Loyd.

6. Mr. Todd presented the petition of Nancy T. Sanders (with other documents,) praying to be divorced from her husband, James Sanders.

7. Mr. McClung presented the petition of sundry citizens of the city of Maysville, praying an amendment to the charter thereof.

Which petitions and memorial were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee on Internal Improvement; the 3d to the committee for Courts of Justice; the 4th to Messrs. Sprigg, Butler, Ballard, O'Bannon, Bullock, Field, Heady and Meriwether; the 5th and 6th to the committee on Religion; and the 7th to Messrs. McClung, Andrews, Waddle and Walker.

On motion of Mr. Morehead, Mr. Marshall is added to the committee on the Sinking Fund.

The Speaker laid before the House the annual report of the Trustees of the Deaf and Dumb Asylum at Danville, which is as follows, viz:

Danville, December 2, 1838.

*To the Honorable the General Assembly*
*of the Commonwealth of Kentucky:*

The Trustees of the Asylum for teaching the deaf and dumb, respectfully report—

That the Institution is in a prosperous condition, having in it twenty two pupils, enjoying all the benefits to be derived from experienced teachers, and good accommodations. The Trustees are persuaded that due attention is paid to the comfort of the pupils, and to their progress in learning.

It would be highly gratifying to the Trustees to be able to lay before the Legislature, a full statement of the finances of this Institution. They had hoped that Col. Allen, there agent in Florida, would have closed his agency before now. A large amount of the proceeds of the lands sold is still in his hands, in bonds (as we believe) well secured and bearing interest.

The Treasurer's Report marked A, will show the current receipts and expenditures of the last year. No remittance has been received from Florida since our last report. The inclosure marked B, is a list of the pupils, their ages and residence.

OFFICERS OF THE ASYLUM.

J. A. Jacobs and lady, superintendent and matron; J. A. Jacobs, principal teacher; W. D. Kerr, assistant teacher; J. Barbour, Treasurer; J. A. Jacobs, Secretary; Dr. J. Todd, physician.

JOHN TODD,
P. G. RICE.

(A.)

*Statement showing the receipts and expenditures of the Kentucky Deaf and Dumb Asylum, in the last year.*

| | |
|---|---|
| Salary paid Principal Teacher, | $900 00 |
| " " Assistant Teacher, | 700 00 |
| Treasurer $50, Secretary $25, | 75 00 |
| Paid board of pupils, | 1,311 62 |
| Town tax, | 17 20 |
| Doctors Flue & Weisiger's bill for medical services in former years, | 110 00 |
| Insurance, | 19 00 |
| Work in new building, | 297 00 |
| Incidental expenses, | 33 12 |
| Physician's bill this year, | 11 50 |
| Postage, | 2 66 |
| | $3,477 10 |

| | | |
|---|---|---|
| Amount brought forward, - - - | | $3,477 10 |
| | CR. | |
| By cash of State Treasurer, - - - | $1,636 73 | |
| By cash from pupils, - - - - | 35 00 | |
| | | 1,671 73 |
| | | $1,805 37 |

No money received from Col. Allen in the last year.

J. BARBOUR, *Treasurer.*

(B.)

*List of Pupils in the Kentucky Asylum, December 7th,* 1838.

| NAMES. | AGE. | RESIDENCE. |
|---|---|---|
| Margaret Swope, | 16 | Garrard county, Ky. |
| Maston Gore, | 9 | Caldwell county, do. |
| George Beatty, | 18 | Owen county, do. |
| Artemisia Black, | 15 | Boone county, do. |
| Elizabeth Cooper, | 15 | Nelson county, do. |
| Margaret Bodkin, | 16 | Henry county, do. |
| Moses Bledsoe, | 15 | Danville. |
| Lucinda Phillips, | 21 | Garrard county, do. |
| Elizabeth Kelly, | 12 | Scott county, do. |
| Lucy Jane Fitzpatrick, | 12 | Adair county, do. |
| Edward Basby, | 22 | Adair county, Ky. |
| *Jacob Todhunter, | 19 | Jessamine county, do. |
| *Geo. W. West, | 27 | Giles county, Tennessee. |
| *Elizabeth Noel, | 17 | Anderson county, do. |
| *Edmund Le Clerc, | 25 | St. Genevieve, Missouri. |
| *Samuel Ray, | 12 | Franklin county, do. |
| *W. G. Erwin, | 22 | Habbershaw, county, Ga. |
| *John Dickerson, | 12 | East Felicitia parish, La. |
| *Atwell Beatty, | 13 | Shelby county, Ky. |
| *William Whitley, | 14 | Lincoln county, do. |
| *Robert Allen, | 17 | Jackson county, Ala. |
| *Elizabeth Graves, | 11 | Scott county, Ky. |

Those marked thus (*) are pay pupils.

The Speaker laid before the House, the annual report of the Librarian, enclosing a catalogue of the books in the public library.

Mr. Shanklin, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county.

An act providing for a change of venue in a prosecution for felony, against Joel (alias Joseph) Turnham, Jr.

An act for the benefit of John W. Simpson.

An act for the benefit of the estate of David Campbell.

An act to amend the law incorporating the town of Simpsonsville, in Shelby county.

And resolutions in relation to a Public Armory.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

A message was received from the Senate, announcing that they had concurred in the amendment of this House to the amendment of the Senate, to a bill from this House, entitled, an act to allow additional Justices of the Peace and Constables to certain counties.

And the passage of bills from this House, of the following titles, viz:

An act for the benefit of James L. Todd, a lunatic.

An act for the benefit of the Trustees of the Jury Fund, in this Commonwealth, and for other purposes.

With an amendment to the latter bill.

And had passed bills and a resolution, of the following titles, viz:

An act for the benefit of the estate of Guthrie Morris.

An act providing for a change of venue from the Greenup Circuit Court to Morgan Circuit Court, in the case of John C. Ball, and others.

An act for the benefit of Matthew Read, and the infant children of Sam'l M. Smith, dec'd.

An act for the benefit of Hiram Phillips.

An act for the benefit of the Sheriffs of Owen and Butler counties.

An act for the benefit of Edward McCoy and Wm. Crabtree.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act to amend an act to provide against compounding penal prosecutions, approved Feb. 3, 1837.

And a resolution for a recess of the General Assembly.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a resolution directing them to inquire into the law in relation to divorces, and whether the facts set forth in the petition of Rodes S. Wilson

and Hannah A. Wilson, would authorize a Circuit Court to grant them a divorce—made the following report, viz:

The committee of Courts of Justice, to which a resolution of this House was referred, directing them to make an examination of the law upon the subject of divorces, and to report the opinion of the committee, whether the facts set forth in the petition of Rhodes S. Wilson and Hannah A. Wilson would authorize a Circuit Court to decree a divorce in favor of the said Wilson and wife—respectfully report it as their opinion, that they would not justify such decree in favor of either party.

The act of January, 1809, confers jurisdiction and authority upon the Circuit Courts to grant a divorce in favor of a husband, where his wife shall have voluntarily left his bed and board, with the intention of abandonment, for the space of three years; or where she shall have abandoned him, and lived, in adultery, with another man or men; or shall have been condemned for a felony, in any court of record within the United States: and in favor of a wife, where her husband shall have left her, with the intention of abandonment, for the space of two years, &c.

In the case under consideration, the abandonment of each, by the other, has been continued for a period longer than that required by the statute; but it was simultaneous, and by mutual consent; and in the second section of the act, it is expressly declared, that "if any of the aforesaid causes of divorce apply to the complainant, he or she shall be subjected to a dismission of such suit." In this case, it is clear, that should the husband or wife institute suit for a divorce, one of the causes pointed out in the statute, as the ground of a decree for divorce, would apply to the complainant, and a dismission of the suit would be the consequence. Independently of that provision of the statute, which is conclusive, it is manifest from other parts of it, that it was not intended that a decree should be rendered in favor of one, who had been guilty of the very act of misconduct, in relation to the opposite party, of which he or she complained. In the 6th section of the act referred to, it is declared, that a decree rendered in favor of the complainant, shall not operate so as to release the *offending party*. In this case, each one is an offending party, and each equally guilty.

If, therefore, a divorce be granted, it must be by an act of the Legislature, passed for that purpose.

*Ordered*, That the said report, and the petition of said Rhodes S. Wilson and Hannah A. Wilson, be referred to the committee on Religion.

On motion of Mr. Slaughter, leave was given to bring in a bill for the benefit of the Clerk of the Washington County Court.

*Ordered*, That Messrs. Rudd, Slaughter and McBrayer, be a committee to prepare and bring in the same.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county—reported the same without amendment.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Sheriff of Clay county—reported the same with an amendment.

Which being twice read, was concurred in.

*Ordered*, That said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill for the benefit of Willie Sugg.

By the committee on Claims—2. A bill for the benefit of Mary Kimes.

By the committee for Courts of Justice—3. A bill to amend the law concerning divorces and alimony.

By the committee on Internal Improvement—4. A bill for the benefit of Jeremiah Smith, of Clay county.

By the committee on Religion—5. A bill for the benefit of Nelson Dyer.

By same—6. A bill for the benefit of Eliza Jane Grider.

By the committee on Ways and Means—7. A bill to amend the revenue laws.

By Mr. Rudd—8. A bill for the benefit of the Clerk of the Washington County Court.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 4th, 5th, 6th and 8th, were ordered to be engrossed and read a third time; the 3d was committed to the committee for Courts of Justice, and the 7th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th and 8th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That the Public Printer forthwith print 150 copies each of the 3d and 7th bills for the use of the members of this House.

Mr. Buford moved the following resolution, viz:

*Resolved*, That the Board of Internal Improvement be instructed to have the sum of $40,000 laid out and expended by some competent Engineer, on the road from Mrs. Pitman's, in Laurel county, at the junction of the roads leading from Crab Orchard and Richmond to Cumberland Gap, as was intended by an act passed in the year 1836.

Mr. Wade moved the following as an amendment to said resolution, viz:

*Resolved*, That hereafter, all monies set apart for works of internal improvement, shall be equally divided among the several counties in this Commonwealth, according to their population.

Mr. Apperson moved to amend the amendment, by striking out the word "population," and inserting the word "revenue."

Mr. Hardy then moved to lay the resolution and amendments on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Buford, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Cofer, | Morehead, |
| Andrews, | Combs, | O'Bannon, |
| Apperson, | Cornish, | Pope, |
| Basye, | Goodson, | Purdy, |
| Bledsoe, | Haggard, | Reeves, |
| Bradshaw, | Hardy, | Rodes, |
| Brooks, | Hopkins, | Shanklin, |
| Browder, | Hughes, | Swope, |
| Bullock, | Marshall, | Thomas, |
| Burden, | McClung, | Todd, |
| Coleman, | Meriwether, | Waddle—33. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goble, | Pirtle, |
| Messrs. Allen, | Gough, | Redd, |
| Anderson, A. | Graham, | Riffe, |
| Bailey, | Gray, B. E. | Ritter, |
| Ballard, | Gray, N. E. | Root, |
| Blair, | Harris, | Rowan, |
| Bodine, | Heady, | Rowlett, |
| Bradley, | Howard, | Royston, |
| Buford, | Jasper, | Slaughter, |
| Buckner, | Johnson, | Smith, I. |
| Butler, | Latimer, | Smith, L. B. |
| Clay, | Lecompte, | Sprigg, |
| Coffey, | McBrayer, | Sutton, |
| Daviess, | McClure, | Taggart, |
| Dohoney, | McElroy, | Thornburg, |

| | | |
|---|---|---|
| Dorton, | McFall, | Trumbo, |
| Edmonson, | Mims, | Wade, |
| Ellison, | Morris, | Walker, |
| Field, | Myers, | White, |
| Fox, | Newell, | Wintersmith, |
| Gano, | Newton, | Yates—63. |

Mr. McClung then moved the previous question; and it was decided in the affirmative.

Mr. Butler moved a reconsideration of the vote demanding the previous question.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Buford and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Edmonson, | McClure, |
| Ballard, | Ellison, | Morehead, |
| Bodine, | Gough, | O'Bannon, |
| Bradley, | Gray, B. E. | Pirtle, |
| Bradshaw, | Haggard, | Redd, |
| Butler, | Hardy, | Rowan, |
| Coffey, | Heady, | Wade, |
| Cornish, | Hughes, | Yates—26. |
| Dohoney, | Lecompte, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goble, | Reeves, |
| Messrs. Allen, | Goodson, | Ritter, |
| Anderson, S. H. | Graham, | Rodes, |
| Andrews, | Gray, N. E. | Root, |
| Apperson, | Harris, | Rowlett, |
| Bailey, | Hopkins, | Royston, |
| Basye, | Howard, | Shanklin, |
| Blair, | Jasper, | Sharpe, |
| Bledsoe, | Johnson, | Slaughter, |
| Brooks, | Latimer, | Smith, I. |
| Browder, | Marshall, | Smith, L. B. |
| Buford, | McBrayer, | Sprigg, |
| Bullock, | McClung, | Sutton, |
| Buckner, | McElroy, | Swope, |
| Clay, | McFall, | Taggart, |
| Coleman, | Meriwether, | Thomas, |
| Cofer, | Mims, | Thornburg, |
| Combs, | Morris, | Todd, |
| Daviess, | Myers, | Trumbo, |
| Dorton, | Newell, | Waddle, |
| Field, | Newton, | Walker, |
| Fox, | Pope, | White, |
| Gano, | Purdy, | Wintersmith—69. |

The main question was then put, Shall the resolution be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Buford and Sprigg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Newton, |
| Messrs. Allen, | Field, | Pope, |
| Anderson, A. | Fox, | Purdy, |
| Andrews, | Gano, | Reeves, |
| Apperson, | Goble, | Ritter, |
| Bailey, | Goodson, | Rodes, |
| Ballard, | Gough, | Root, |
| Basye, | Graham, | Royston, |
| Blair, | Gray, B. E. | Shanklin, |
| Bradley, | Gray, N. E. | Sharpe, |
| Bradshaw, | Haggard, | Slaughter, |
| Brooks, | Harris, | Smith, I. |
| Browder, | Hopkins, | Smith, L. B. |
| Buford, | Howard, | Sprigg, |
| Bullock, | Jasper, | Sutton, |
| Buckner, | Johnson, | Taggart, |
| Butler, | Latimer, | Thomas, |
| Clay, | Marshall, | Thornburg |
| Coleman, | McClung, | Todd, |
| Cofer, | McElroy, | Trumbo, |
| Coffey, | McFall, | Waddle, |
| Combs, | Mims, | Walker, |
| Daviess, | Morehead, | White, |
| Dohoney, | Morris, | Wintersmith, |
| Dorton, | Myers, | Yates—77. |
| Edmonson, | Newell, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Hughes, | Pirtle, |
| Bledsoe, | Lecompte, | Redd, |
| Bodine, | McBrayer, | Rowan, |
| Cornish, | McClure, | Rowlett, |
| Hardy, | O'Bannon, | Wade—16. |
| Heady, | | |

*Ordered*, That the bill to establish the Southern Bank of Kentucky be postponed to, and made the special order of the day for Friday, the 4th day of January next.

The House then took up for consideration, the amendments proposed by the Senate, to a bill from this House, entitled, an act for the benefit of the Trustees of the Jury Fund in this Commonwealth, and for other purposes.

*Ordered*, That the same be committed to the committee for Courts of Justice.

The House then took up the resolutions from the Senate, respecting the enticing away the slaves of the citizens of Kentucky, by citizens of other States.

On motion of Mr. Buckner,

*Ordered*, That said resolutions be committed to a committee of the whole House for to-morrow.

Bills from the Senate, of the following titles, viz:

1. An act prescribing further duties to the Commissioners of the Revenue.
2. An act for the benefit of Matthew Read, and the infant children of Samuel M. Smith, dec'd.
3. An act for the benefit of the estate of Guthrie Morris.
4. An act providing for a change of venue from the Greenup Circuit Court to Morgan Circuit Court, in the case of John C. Ball, and others.
5. An act for the benefit of Hiram Phillips.
6. An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.
7. An act for the benefit of the Sheriffs of Owen and Butler counties.
8. An act for the benefit of Edward McCoy and Wm. Crabtree.
9. An act to amend an act to provide against compounding penal prosecutions, approved Feb. 3, 1837.

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was ordered to be read a third time; the 2d, 3d, 4th and 9th, were committed to the committee for Courts of Justice; the 5th and 7th to the committee on Ways and Means; the 6th to the committee on Internal Improvement; and the 8th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The House took up for consideration, the resolution from the Senate, for a recess of the General Assembly.

Which being twice read, was adopted.

*Ordered*, That the bill for the benefit of the heirs and representatives of Eliza Murray, dec'd., be engrossed and read a third time.

The said bill was then accordingly read a third time.

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

A bill for the benefit of Thomas H. Bacon, was read a second time.

*Ordered*, That said bill be recommitted to the committee on Ways and Means.

A bill for the benefit of James Walden, was read a second time.

*Ordered*, That said bill be engrossed and read a third time.

*Ordered*, That a bill further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes, be recommitted to the committee on the Sinking Fund; and that said committee take into consideration the amendments offered thereto by Messrs. Heady and Sprigg.

A bill to amend the election laws, was read a second time.

And then the House adjourned.

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## WEDNESDAY, DECEMBER 19, 1838.

1. Mr. McFall presented the petition of Matilda Jones, praying to be divorced from her husband, Bennett Jones.

2. Mr. Todd presented the petition of Nancy Hall, praying to be released from the payment of stock subscribed by her deceased husband, in certain turnpike road companies.

3. Mr. Morehead presented the petition of Wm. Mathews (with other documents,) praying to be divorced from his wife, Gabrella Mathews.

4. Mr. McClung presented the petition of Peter Degman (with other documents,) praying to be divorced from his wife, Hannah Degman.

5. Also, the petition of Willis Lee and Nancy Lee, mutually praying to be divorced from each other.

6. Mr. Ballard presented the remonstrance of sundry citizens of Oldham county, against the formation of a new county out of parts of said county and the county of Trimble.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred—the 1st, 3d, 4th and 5th, to the committee on Religion; the 2d to the committee on Internal Improvement; and the 6th to the committee on Propositions and Grievances.

Mr. Meriwether moved to reconsider the vote of yesterday, passing a bill from the Senate, entitled, an act prescribing further duties to the Commissioners of revenue.

And the question being taken thereon, it was decided in the affirmative.

Mr. Meriwether then moved that the vote ordering said bill be read a third time, be reconsidered.

And the question being taken thereon, it was decided in the affirmative.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred the petition of the Board of Internal Improvement for Anderson county—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Thomas B. Smith, reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of the Sheriff of Calwell county, reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill for the benefit of Abner G. Daniel, reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Buckner, from the same committee, to whom was referred a bill to establish the town of Rochester, reported the same with an amendment.

Which being twice read, was concurred in.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McElroy, from the same committee, to whom was referred a bill to incorporate the town of Francisburg, in the county of Union—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to amend the charter of the Richmond and Lexington Turnpike Road Company—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the benefit of Lucy Jacobs—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills of the following titles, viz:

A bill for the benefit of the Sheriff of Calloway county.

A bill for the benefit of the Sheriff of Henderson county—reported the same, with an amendment to each.

Which being twice read, were concurred in.

*Ordered*, That said bills, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Morehead, from tha committee on the Sinking Fund, to whom was referred a bill further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes—reported the same with amendments.

Which being twice read, were concurred in.

*Ordered*, That said bill as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. McClure—1. A bill to amend an act, establishing a system of Common Schools in the State of Kentucky, approved February 16th, 1838.

On the motion of Mr. Bullock—2. A bill for the benefit of the Sheriff of Shelby county.

On the motion of same—3. A bill to amend the duelling law.

On the motion of Mr. Isaac Smith—4. A bill to authorize the Register to receive and register certain surveys made in the year 1838.

On the motion of Mr. White—5. A bill to change the time of convening the Legislature.

On the motion of Mr. Graham—6. A bill to amend the act approved 1st March, 1836, making an appropriation to build a bridge over Floyd's Fork of Salt river, in Bullitt county.

On the motion of Mr. Morris—7. A bill for the purpose of classing roads in the counties of Clay and Perry.

On the motion of same—8. A bill for the benefit of Wm. Herd.

On the motion of Mr. Rodes—9. A bill for the benefit of Wm. Ater.

On the motion of Mr. Buckner—10. A bill to form an additional judicial district, south of Green river.

On the motion of Mr. A. Anderson—11. A bill to build a bridge across Green river, where the road from Greensburg to Columbia crosses it.

On the motion of Mr. Root—12. A bill to amend an act, entitled, an act to establish the town of Ghent, in Gallatin county, approved February 16, 1835.

On the motion of Mr. Edmonson—13. A bill for the benefit of the Sheriff of Hart county.

On the motion of Mr. Goble—14. A bill to open a State road, from the Owingsville and Big Sandy road, on Triplett's creek, in Feming county, to Louisa, in Lawrence county.

On the motion of Mr. Gough—15. A bill to change the time of holding the Meade Circuit Court at the August term, and to allow an additional week to the May and November terms thereof.

On the motion of Mr. Apperson—16. A bill to provide for the appointment of Attorneys for the Commonwealth.

On the motion of Mr. Slaughter—17. A bill to amend the charter of St. Joseph's College,

On the motion of same—18. A bill to amend the law incorporating the town of Bardstown.

Messrs. McClure, Heady and Purdy were appointed a committee to prepare and bring in the 1st; Messrs. Bullock, Sprigg and Heady, the 2d; Messrs. Bullock, Sprigg and McFall, the 3d; Messrs. I. Smith, Sutton and Howard, the 4th; Messrs. White, Bailey, Jasper, McClure, Fox and Thornburg, the 5th; Messrs. Graham, Pope, Heady and Purdy, the 6th; the committee on Internal Improvement, the 7th; the committee on Claims, the 8th and 9th; Messrs. Buckner, Coffey, McClure, Ritter and Hardy, the 10th;

Messrs. A. Anderson, Ritter, Dohoney and Walker, the 11th; Messrs. Root, O'Bannon, Ballard, Blair and Coleman, the 12th; Messrs. Edmonson, Hardy, and Ballard, the 13th; Messrs. Goble, Hopkins and Blair, the 14th; Messrs. Gough, Allen and Wintersmith, the 15th; the committee for Courts of Justice, the 16th; Messrs. Slaughter, Butler and Sprigg, the 17th; and Messrs. Slaughter, Pope and Meriwether, the 18th.

Mr. Morris asked leave to bring in a bill to repeal the law allowing ten days between the rendition of judgment and taking out execution.

And the question being taken on granting the leave, it was decided in the negative.

And so the said leave was refused.

Mr. Wintersmith moved a reconsideration of the vote refusing to engross and order to a third reading, a bill to amend an act, entitled, an act to amend the militia law of this State.

And the question being taken thereon, it was decided in the affirmative.

*Ordered*, That said bill be recommitted to the committee on Military Affairs.

Mr. Johnson moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice inquire into the expediency of requiring Justices of the Peace to give bond and security for the payment of all monies paid into their hands upon judgments and demands in their office.

Which being twice read, was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill allowing further time to enter and survey Kentucky land warrants, and to return platts and certificates of survey.

By same—2. A bill to allow an additional Justice of the Peace to the county of Clay.

By the committee on Religion—3. A bill for the benefit of Nancy Collins.

By Mr. McClung—4. A bill to amend the charter of the City of Maysville.

By Mr. McClure—5. A bill to improve the river hill, and the road from John Grider's ferry, on Cumberland river, to Columbia, in Adair county.

By Mr. Bullock—6. A bill for the benefit of the Sheriff of Shelby county.

By Mr. I. Smith—7. A bill to authorize the Register to receive and register certain surveys made in the year 1838.

By Mr. White—8. A bill to incorporate the Cumberland Coal Mining Company.

By Mr. Sutton—9. A bill to establish an election precinct in the county of Allen.

By Mr. Brooks—10. A bill to incorporate the Trustees of the Republican School, in Bracken county.

By Mr. Trumbo—11. A bill for the benefit of Wm. Vice.

By Mr. Goodson—12. A bill to incorporate the Covington Factory Company.

By Mr. Riffe—13. A bill abolishing an election precinct in Casey county.

By Mr. Hopkins—14. A bill to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

By Mr. Dorton—15. A bill to improve the road called the Raccoon Shoot.

By same—16. A bill to change the time of holding the Harlan and Perry Circuit Courts.

By same—17. A bill to extend the jurisdiction of the County Court of Harlan.

By Mr. Fox—18. A bill to change the name of Green Ruby to that of Green Kerley.

By Mr. Apperson—19. A bill to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace.

By same—20. A bill for the benefit of Charles S. Gatewood and others.

By same—21. A bill to prevent the carrying of concealed weapons, and for other purposes.

By Mr. Taggart—22. A bill for the benefit of the Sheriff of Muhlenburg county.

By Mr. Slaughter—23. A bill to amend the charter of St. Joseph's College.

By Mr. Swope—24. A bill to increase the capital stock of the Falmouth Bridge Company.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 6th, 7th, 9th, 13th, 14th, 18th, 22d and 23d, were severally ordered to be engrossed and read a third time; the 5th, 15th and 24th were committed to the committee on Internal Improvement; the 8th, 12th, 16th, 19th and 21st, to the committee for Courts of Justice; the 10th to the committee on Education; the 11th to the committee on Ways and Means; the 17th to the committee on Propositions and Grievances; and the 20th to the committee on Military Affairs.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 6th, 7th, 9th, 13th, 14th, 18th, 22d and 23d, having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Sutton, from the committee appointed to prepare and bring in the same, reported a bill for the benefit of Henry C. Carouth and L. W. Evans.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was then taken on ordering said bill to be engrossed and read a third time, and decided in the negative.

And so the said bill was rejected.

The House then resolved itself into a committee of the whole House, on the resolutions from the Senate, respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States—Mr. Meriwether in the chair—and after some time spent therein, the Speaker resumed the chair; when Mr. Meriwether reported that the committee had, according to order, had under consideration the resolutions aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again—which was granted.

And then the House adjourned.

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## THURSDAY, DECEMBER 20, 1838.

1. Mr. Morehead presented the petition of the devisees of Charles Macey, dec'd., praying for the sale of some real estate.

2. Mr. S. H. Anderson presented the petition of Thomas J. Pavis, praying to be divorced from his wife, Purlina Pavis.

3. Mr. Rodes presented the memorial of certain graduates of Transylvania University, praying for an act of incorporation, to be styled the "Transylvania Institute," and for a subscription, on a part of the State, for a sum of money.

4. Mr. S. H. Anderson presented the petition of Henry Reynolds, praying permission to erect a fish dam on the Kentucky river.

Mr. McElroy presented the petition of John Bowden, praying to be divorced from his wife, Love A. Bowden.

Which petitions and memorial were severally received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; the 2d and 5th to the committee on Religion; the 3d to the committee on Education; and the 4th to the committee on Internal Improvement.

*Ordered*, That the Public Printer forthwith print 150 copies of the memorial, for the use of the members of this House.

A message was received from the Governor, by Mr. Bullock, Secretary of State, enclosing the annual report of the Commissioners of the Sinking Fund, which is as follows, viz:

EXECUTIVE DEPARTMENT,
Frankfort, December 20th, 1838.

*Gentlemen of the Senate,*
*and House of Reprentatives:*

I herewith transmit the annual report of the Commissioners of the Sinking Fund.

JAS. CLARK.

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*Gentlemen of the Senate,*
*and House of Representatives:*

In obedience to the existing laws upon the subject, the Commissioners of the Sinking Fund submit the following report:

The last annual report, bearing date 14th December 1837, exhibited a balance in the hands of the Commissioners, of $66,827 77; since which time they have received—From the Commonwealth's Bank, $27,200: From the Bank of Kentucky, the dividends declared on the first of January and July 1838, on the stock owned by the State and purchased by the Commissioners, $37,255 04; and the bonus on the capital stock of said Bank, for the year ending first July 1838, $23,213 04: From the Northern Bank of Kentucky, the dividends declared on the first of January and July 1838, on the stock owned by the State, and purchased by the Commissioners, $26,500; and the bonus on the capital stock of said Bank, for the year ending first July 1838, $13,754: From the Bank of Louisville, the dividends declared on the first of July 1837 and the first of July 1838, on the stock owned by the Commissioners, $1,400; and the bonus on the capital stock of said Bank, for the year ending first July 1838, $5,750: From premiums, $162 19—on $8,549 50—difference of exchange obtained upon New York funds in Philidelphia: On $250,000 transferred from New York to Philadelphia, $2,500: On deposits in United States' Bank, $722 22: On sale of $1,250,000 Internal Improvement Bonds, $12,500: On transfer of $950,000 Internal Improvement funds from New York to Kentucky, $14,990 62: From the Penitentiary, $5,000: From the Maysville, Washington, Paris and Lexington turnpike road, $4,690 54: From Muldrow's Hill turnpike road, $350.

During the same period, there has been expended the following sums: To Prime, Ward & King, the interest on $100,000 Internal Improvement Bonds, from the first of July 1837, to the first of July 1838, $5,000: To the War Department, the interest on $165,000 Internal Improvement Bonds, from the first July 1837, to the first of July 1838, $8,250: To the Bank of Kentucky, the interest on $150,000 Internal Improvement Bonds, from the first of July 1837, to the first of July 1838, $7,500: To the Northern Bank of Kentucky, the interest on $100,000 Internal Improvement Bonds, from the first of July 1837, to the first of July 1838, $5,000: To the Board of Education, the interest on $850,000 Internal Improvement Bonds, up the first January 1838, including exchange thereon on New

York, $19,570: To E. I. Winter, an additional one fourth of one per cent, in part for his commission for sale of Bonds, paid him by virtue of an act, approved January the 20th, 1838, $1,275: To George M. Bibb, George Robertson, Wm. Owsley, and C. S. Morehead, as arbitrators in a matter of reference between the Commissioners of the Sinking Fund and the Keeper of the Penitentiary, $150: To contingent expenses, $837 50: To exchange, $1,198 37: To $113,002 66, invested in the purchase of two hundred shares of the capital stock of the Northern Bank of Kentucky, and one thousand and twenty seven shares of the capital stock of the Bank of Kentucky: To Bank of Kentucky, $25,956 40, invested in the fifth million of the capital stock of said Bank, in obedience to an act, approved 13th February, 1838.

Recapitulation of receipts and disbursements of the Sinking Fund, since the last report:

RECEIPTS.

| | |
|---|---|
| Balance on hand per last report, | $66,827 77 |
| From Commonwealth's Bank, | 27,200 00 |
| From Bank of Kentucky, dividends, | 37,255 04 |
| From Bank of Kentucky, bonus, | 23,213 04 |
| From Northern Bank of Kentucky, dividends, | 26,500 00 |
| From Northern Bank of Kentucky, bonus, | 13,754 00 |
| From Bank of Louisville, dividends, | 1,400 00 |
| From Bank of Louisville, bonus, | 5,750 00 |
| From Premiums, | 30,875 03 |
| From Penitentiary, | 5,000 00 |
| From Maysville, &c., Turnpike Road, | 4,690 54 |
| From Muldrow's Hill Turnpike Road, | 350 00 |
| | $242,815 42 |
| Balance on hand, per contra, | $ 55,075 49 |

DISBURSEMENTS.

| | |
|---|---|
| Paid interest account, | $ 25,750 00 |
| Paid exchange account, | 1,198 37 |
| Paid contingent account, | 837 50 |
| Paid E. I. Winter, | 1,275 00 |
| Paid arbitrators, | 150 00 |
| Paid Board of Education, | 19,570 00 |
| Paid Bank stock, | 138,959 06 |
| Balance remaining on hand, | 55,075 49 |
| | $242,815 42 |

The July instalment of interest due the Board of Education amounted to the sum of $21,568 75. The Commissioners were informed by the Board that they could not use it, because of the failure, on the part of the commissioners of tax, to return the number of children of the ages requir-

ed by law—it has, consequently, not been paid over. The profits of the School Fund is subject to disbursement, so soon as the system is sufficiently advanced to authorize its distribution among the various districts; this fund, therefore, could not be invested for the benefit of the Board of Education, hence the Commissioners hold it subject to the requisition of the Board of Education. Deduct this sum, due the Board of Education, from the amount on hand, and it leaves a balance in the hands of the Commissioners of the Sinking Fund of $33,506 74.

On the 2nd March 1838, it was resolved by the President and Directors of the Bank of Kentucky, that said Bank consent to the provisions of the first section of the act entitled "an act to increase the resources of the Sinking Fund," approved 13th February 1838, and that the same may be carried into effect. This Board, accordingly, after reserving as much as would be necessary to meet its wants, paid, upon the fifth million of the capital stock of said Bank, the sum before mentioned of $25,956 40. The Commissioners would suggest the propriety of repealing, with the consent of the Bank of Kentucky, so much of the act, last referred to, as makes it imperative upon them to invest a portion of the resources of the Sinking Fund in the fifth million of said Bank. The investment has necessarily to be made at par value, whilst, if the injunction was removed, they could purchase the stock of the same Bank at its depreciated market price.

The Keeper of the Penitentiary has reported to the Commissioners the assets and liabilities of that institution, which has been laid over by the Board, without action thereon, until the accounts can be fully examined and balanced by the gentlemen who are now engaged for that purpose. The Commissioners believing that it would be more satisfactory both to themselves, in the faithful discharge of their duty, and to the Keeper and the Legislature, to have a more accurate investigation of the books and accounts of the prison than they could possibly bestow upon them, (for their engagements would not allow more than a cursory examination,) determined, at an early period within the present year, to employ some competent accountant to revise and balance them. Efforts were made, with this view, by two of the Board at Louisville, and by the member residing at Lexington, without success; no one could be found willing to change his residence, or engage in an employment, the duration of which was indefinite; the Chairman of the Board was advised of this difficulty, who, as early as possible, with the consent of the other members of the Board, engaged two able accountants, residents of Frankfort, to undertake it, and to devote to the examination such time as they could be spared from other duties; these gentlemen are now in progress with the task, and promise, as soon as practicable, to bring their labors to a close, so as to enable the Board to have a final settlement with the Keeper of the Penitentiary. This settlement has been postponed by the Board for the purpose of having the books correctly balanced, by disinterested persons, and until this balance sheet is obtained no conclusive settlement can be effected.

For a detailed exhibition of the resources of the Sinking Fund, and its liabilities, we would respectfully refer to the voluminous report of 14th December 1837, in the examination of which, in connexion with this report, it will be seen that the means of the Sinking Fund are too limited and too precarious to fulfil, with any degree of certainty, the objects of its creation. It is scarcely probable, with the great extent of turnpike roads and

the bridges, already constructed and in successful operation, in which the State is interested, that there should not be some revenue collected—some profit received, beyond the expenses of collection and repairs; and yet, from very few, indeed from but two of these roads, has one cent been received during the present year, one of which being under the exclusive control of the State; there is either some radical defect in the construction of these roads, or a disregard on the part of the managers thereof of the existing laws upon the subject: other States derive a certain revenue from these sources, where the rates of toll are not higher than in the State of Kentucky.

JAS. CLARK, *Governor of Kentucky, and Chairman of the Board of Commissioners of the Sinking Fund.*

JNO. TILFORD, *President of the Northern Bank of Kentucky, and Commissioner of the Sinking Fund.*

WM. H. POPE, *President of the Bank of Kentucky, and Commissioner of the Sinking Fund.*

Frankfort, December 13th, 1838.

*Ordered*, That the same be referred to the committee on the Sinking Fund, with the following instructions, offered by Mr. Sprigg, viz:

That the committee on the Sinking Fund ascertain what amount of money has been borrowed by the Board of Internal Improvement, from the Banks of this State; when borrowed, and when received; at what rate of interest the same was borrowed, and how much interest the Commissioners of the Sinking Fund have paid or allowed, upon the several sums of money received by the Board of Internal Improvement, from loans made to them.

That said committee ascertain the times when the proceeds arising from the sale of State Bonds to the War Department, were received by the Governor, or by the Board of Internal Improvement, and in what sort of currency; and that they set forth the date of the drafts drawn by the War Department, in view of paying for the bonds so purchased by them, and the amount of interest which has been paid by the Commissioners of the Sinking Fund upon said bonds; and that the committee set forth the several sums of money which have been paid or received by said Commissioners, by way of exchange upon the sums required to pay the interest upon State Scrip in the eastern cities.

That said committee ascertain if any part of the monies obtained by the sale of State Bonds, has been applied or appropriated to pay the interest which had accrued on said bonds; and if so done, to state if the money so appropriated, has been supplied from any other source, to make up the full amount of the proceeds arising from the sale of said bonds.

That said committee ascertain, and clearly set forth in their report, the true balance of money in the hands of the Commissioners of the Sinking Fund, on the first Mondays in July and January of each year since their appointment; and to report the amount of monies, by the said Commissioners invested in the purchase of stocks; when invested, and at what price such stocks were purchased.

And that said committee report to this House, the result of all their inquiries.

Mr. Wintersmith moved the following resolution, viv:

*Resolved*, That his Excellency the Governor be respectfully requested to communicate to this House, the correspondence between himself and the Governor of Ohio, arising out of a preamble and resolutions of the Legislature of Kentucky, in relation to slaves who escape from their owners into the States of Ohio, Indiana and Illinois; and what action those States have had thereon, of which he has been officially notified.

Which being twice read, was adopted.

A message was received from the Governor, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act to change the names of Mary Ann Brumley and Abigail Ann Brumley.

An act for the benefit of John L. Cole, of Barren county.

An act for the benefit of Mary Ann Sellers and Sarah Elizabeth Sellers.

An act to change the place of voting in the Mulliken Precinct, in Fleming county.

An act for the benefit of Eliza Hancock.

An act for the benefit of the Sheriffs of Logan and Simpson counties.

An act to allow an additional Constable to the county of Hardin.

An act allowing an additional Constable to the county of Marion.

An act to change the place of voting in the Quicksand and Crawford Precinct in Estill county, and the Dennis' Precinct in Washington county, and to establish an election precinct in Pulaski county.

An act for the benefit of the Sheriff of Lincoln county.

An act for the benefit of the Sheriff of Garrard county.

An act to change the name of James Babcock.

An act to amend the Charter of the City of Covington.

Approved, 17th December, 1838.

An act providing for a change of venue in a prosecution for felony, against Joel (alias Joseph) Turnham, Jr.

An act for the benefit of Richard C. Jett, the Sheriff of Daviess county, and the Sheriff of Hopkins county. Approved, 18th Dec. 1838.

*Ordered*, That the bill to confer Banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions, be postponed to, and made the special order of the day for Tuesday, the 8th day of January next.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act for the benefit of Keziah Craycraft.

An act for the benefit of Henry G. A. Blankman.

And the passage of bills and resolutions from this House, of the following titles, viz:

An act for the benefit of Thomas Hite.

An act to establish an additional election precinct in Ohio county.

An act for the benefit of the Clerk of the Washington County Court.

An act for the benefit of James M. Hanson.

An act to change the place of voting in the Floydsburg Precinct in Oldham county.

An act for the benefit of James Henson and George W. McLeod.

An act for the benefit of Wm. Kercheval.

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

An act to legalize the proceedings of the 74th Regiment of Kentucky militia, and for other purposes.

An act authorizing the Register to issue a patent in the name of Barnabas Wing.

An act for the benefit of the heirs and representatives of Thomas Jasper, dec'd.

An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved Jan. 17, 1818.

An act for the benefit of the Clerks of this Commonwealth.

An act to have the line run and marked between the counties of Morgan and Floyd.

An act allowing an additional Justice of the Peace to Butler county.

An act to change the name of Josiah Cusick, Margarette Cusick, and Samuel Cusick.

An act for the benefit of Anna Dix and Elizabeth Maria Dix.

An act to complete the State road from Mountsterling, by way of Prestonsburg to the Virginia line.

An act for the benefit of Nancy L. McCullock.

An act for the benefit of Wm. Gross.

An act to incorporate the Louisa Literary Society.

An act for the benefit of Margaret Holtzclaw.

An act to amend the charter of the city of Maysville.

An act to incorporate the Hopkinsville Female Academy.

An act for the benefit of George Knox.

An act to change the place of voting in the Stephensport Precinct, in Breckinridge county.

An act for the benefit of the infant heirs of Henry Crittenden, dec'd.

An act to run and mark the line dividing the counties of Knox and Whitley.

With amendments to the five latter bills.

A resolution giving the members of the Board of Internal Improvement the use of the books in the Public Library.

A resolution for the appointment of a joint committee to examine Transylvania University and Lunatic Asylum.

With an amendment to the last resolution.

And the passage of bills and a resolution from the Senate, of the following titles, viz:

An act for the benefit of William Butler, Clerk of the Monroe County Court.

An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

An act to continue in force, an act to allow the Independent Banks of this Commonwealth further time to collect and settle their concerns—approved January 4, 1836, and for other purposes.

An act to change the January term of the General Court.

An act providing that certain legacies and devises shall not lapse.

An act further regulating the duties of Clerks of Circuit Courts.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

An act for the benefit of Margaret B. White.

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior Court, and executions to issue in certain cases.

An act for the benefit of Ferdinand Hunn.

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act for the benefit of Sarah Ann Brown.

And a resolution giving the joint committee on Public Offices further time to report.

And had received official information that the Governor had signed and approved sundry enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of James Bartly, Sheriff of Greenup county.

An act to authorize elections to be held in the Glasgow and Scottsville turnpike road.

An act to change the place of voting in the Renear Precinct, in Butler county.

Approved, 17th Dec. 1838.

Resolutions in relation to a Public Armory.

Approved, 18th Dec. 1838.

An act to amend the law incorporating the Town of Simpsonsville, in Shelby county.

An act for the benefit of estate of David Campbell.

An act for the benefit of John W. Simpson.

Approved, 19th Dec. 1838.

Bills from the Senate, of the following titles, viz:

An act for the benefit of Wm. Butler, Clerk of the Monroe County Court.

An act to change the January Term of the General Court.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of the said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

A resolution from the Senate, giving the joint committee on the Public Offices further time to report.

Was twice read, and concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the infant heirs of Henry Crittenden, dec'd.

Were taken up, twice read, and concurred in.

The House then resolved itself into a committee of the whole, Mr. Meriwether in the chair, on the resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States; and after some time spent therein, the Speaker resumed the chair: when Mr. Meriwether reported that the committee had, according to order, had under consideration, the resolutions aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again—which was granted.

*Ordered*, That the said resolutions be postponed to, and made the special order of the day for Thursday, the 3d day of January next.

On motion of Mr. Harris,

*Resolved*, That when this House adjourns on this day, it will adjourn to meet again on Tuesday, the 1st day of January next.

And then the House adjourned.

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## TUESDAY, JANUARY 1, 1839.

The Speaker took the Chair; and there not being a quorum, the members present adjourned.

## WEDNESDAY, JANUARY 2, 1839.

1. The Speaker laid before the House, the memorial of sundry Justices of the Peace for Garrard county, praying an inquiry into the conduct of Wm. Woods, a Justice of the Peace for said county.

2. Mr. S. H. Anderson presented the petition of Absalom Pollard, praying the impeachment of Wm. Woods, a Justice of the Peace for Garrard county.

3. Mr. Jasper presented the petition of Lucy Graves, (with other documents,) praying to be divorced from her husband, Thomas Graves.

4. Mr. Allen presented the petition of James Drury, and others on his behalf, praying permission to change the State road from Brandenburg to Bowlinggreen, where it passes through his lands.

5. Mr. Ballard presented the petition of Charity Taylor, praying to be divorced from her husband, Benjamin Taylor.

6. Also, the petition of sundry citizens of the town of Bedford, in Trimble county, praying the passage of a law reducing the Public Square in said town.

7. Also, the petition of Wm. Shirley, praying the passage of a law reducing the limits of the town of Brownsborough, so as to exclude the farm of said Shirley.

8. Mr. Trumbo presented the petition of Jane Young, praying the passage of a law legitimatizing her son, Isaac Young.

9. Mr. Ellison presented the petition of John M. Emmerson, late Sheriff of Cumberland county, praying the passage of a law releasing him and his sureties from the payment of the damages adjudged against them, in a judgment of the General Court.

Which memorials and petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to Messrs. S. H. Anderson, McClung, Hopkins, Andrews, Browder, Blair and Johnson; the 3d and 5th to the committee on Religion; the 4th, 6th and 7th to the committee on Propositions and Grievances; the 8th to Messrs. Trumbo, Blair, Andrews and Sharp, and the 9th to the committee on Ways and Means.

Mr. Bledsoe, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Oldham and Trimble counties, praying the formation of a new county out of said counties—reported the same with the following resolution, viz:

*Resolved*, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Pope, from the committee on Claims, to whom was referred a resolu-

tion, requiring said committee to inquire into the expediency of allowing to the Trustees of the Anderson County Seminary, a sum of money, in lieu of the land appropriated for the benefit of said Seminary—asked leave to be discharged from the further consideration thereof; which was granted.

*Ordered*, That said resolution be referred to Messrs. McBrayer, Sprigg, Marshall, Johnson and Lecompte.

Mr. A. Anderson moved the following resolution, viz:

*Resolved*, That his Excellency the Governor, be respectfully requested to communicate to this House, the information he may be in possession of, as well as such as he may procure from the proper officers, in regard to the condition of the arms belonging to the State; where they are kept, and whether serious injuries and losses are not sustained by the present mode of distributing them among the various military companies of the State.

*Be it further resolved*, That he be also respectfully requested to communicate to this House, such information as he may have or can get, in regard to the proceeds, if any; and if none, such information as he may have, as to the final disposition of those remnants of arms that remain unconsumed by the burning of the arsenal.

Which being twice read, was adopted.

Mr. Trimble moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be directed to inquire into the propriety of improving the navigation of Little Sandy river, by slopes upon the dams, and by removing the timber and other obstructions, so as to carry into effect the 29th section of the act of Feb. 1836.

Which being twice read, was adopted.

Mr. Trimble moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be directed to inquire into the propriety of surveying and improving the road leading from Greenup Courthouse to the Cross Roads in Carter county, so as to connect the same with the road leading from that place, by way of Carter Courthouse, to Floyd Courthouse, at Prestonsburg, on Big Sandy; and of directing the Engineer who shall survey and locate the road, to report what sum would be required to grade the same, and make it a safe and convenient earth road.

Which being twice read, was adopted.

Mr. Bradley moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of so amending an act, entitled, an act providing that the fines and forfeitures in this Commonwealth, shall be a fund for the payment of Jurors, approved Feb. 15th, 1838, as to provide for the payment of such Jurors as have served and failed to claim their pay before they departed from the court; and also, such as hold certificates which were not presented to the Trustee of the Jury Fund, on or before the 1st day of November, 1838; and that they report by bill or otherwise.

Which being twice read, was adopted.

On motion of Mr. Morehead,

*Ordered*, That the Public Printer forthwith print 150 copies of the report

of the Commissioners of the Sinking Fund, for the use of the members of this House.

On motion of Mr. Morehead,

*Ordered*, That the message of the Governor, in relation to the sale of the State Bonds to the War Department, and the sale of the State Bonds under the law of last session, be referred to Messrs. Morehead, Sprigg, Marshall, Jasper and Hardy.

Mr. Gano asked leave to withdraw the petition of the heirs of Austin Bradford, dec'd.; which was granted, and the petition withdrawn.

Mr. Apperson moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement inquire into the propriety of the State taking two thirds of the stock in the turnpike road, leading from Winchester, through Mountsterling, to Owingsville; and that they report the amount of stock taken by the State, in any internal improvements in Montgomery county, and the amount expended by the State in that county.

Which being twice read, was adopted.

Mr. Redd moved the following resolution, viz:

*Resolved*, That Dr. J. B. Peyton, editor of the Russellville Advertiser, be admitted to a seat within the bar of this House, in order to report the proceedings thereof for his paper.

Which being twice read, was adopted.

Mr. Reeves moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of so amending an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers, a preference of location to lands improved by them, so as to specify the quantity or bounds of such pre-emption preference, or limit the right of pre-emption.

Which being twice read, was adopted.

Mr. Coffey moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of improving the road by Peter H. Stockton's, from Otter creek, on the line between Wayne and Clinton counties, over the ridge, to the foot thereof on the other side; and that they report by bill or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Bledsoe—1. A bill to incorporate the Paris Insurance Company.

On the motien of Mr. Wade—2. A bill to establish the Town of Pleasant Hill, in Calloway county.

On the motion of Mr. Morehead—3. A bill for the benefit of the Sheriff of Franklin county.

On the motion of Mr. Rodes—4. A bill for the benefit of Richard Ship, and Mary G. Ship, his wife.

On the motion of Mr. A. Anderson—5. A bill requiring the Public Printer, after publication, to return, annually, to the Secretary's office, the manuscript copy of the Governor's message.

On the motion of Mr. Pirtle—6. A bill to amend the act establishing a ferry across the Ohio, at Paducah.

On the motion of Mr. Hopkins—7. A bill to continue in force, the laws providing for the appointment of Commonwealth's Attornies for this State.

On the motion of Mr. Browder—8. A bill to incorporate the Trustees of the Rock Spring Meeting House, in Logan county.

On the motion of Mr. Daviess—9. A bill to incorporate a Steam Mill Company, in Mercer county.

On the motion of Mr. McClure—10. A bill for the benefit of Enoch Yantis.

On the motion of Mr. Marshall—11. A bill for the relief of the Sheriff of Woodford county.

Messrs. Bledsoe, Basye, Brooks and Sharp, were appointed a committee to prepare and bring in the 1st; Messrs. Wade, Pirtle and McFall, the 2d; Messrs. Morehead, Rodes and Clay, the 3d; the committee for Courts of Justice, the 4th and 7th; Messrs. A. Anderson, Ritter and Taggart, the 5th; Messrs. Pirtle, Wade and McFall, the 6th; Messrs. Browder, B. E. Gray and Bledsoe, the 8th; Messrs. Davis, Buford and Shanklin, the 9th; Messrs. McClure, Coffey, Riffe and Jasper, the 10th, and Messrs. Marshall, Morehead and McClung, the 11th.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the benefit of Adam R. Walker.

By Mr. Ellison—2. A bill to extend the powers of the Trustees of the town of Burksville.

By Mr. Root—3. A bill to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.

By Mr. Browder—4. A bill for the benefit of George O. Stovall.

By Mr. Marshall—5. A bill to establish a new judicial district, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d and 4th were ordered to be engrossed and read a third time, and the 5th was committed to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the

1st, 2d, 3d and 4th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The amendments proposed by the Senate, to bills from this House, of the following titles, viz:

An act for the benefit of George Knox.

An act to change the place of voting in the Stephensport Precinct, in Breckinridge county.

An act to run and mark the line diving the counties of Knox and Whitley.

An act to incorporate the Hopkinsville Female Academy.

Were twice read, and concurred in.

Bills from the Senate, of the following titles, viz:

1. An act authorizing the city of Lexington to levy an additional tax, for the better organization and efficiency of the fire companies.

2. An act to continue in force, an act to allow the Independent Banks of this Commonwealth further time to collect and settle their concerns, approved Jan. 4, 1836, and for other purposes.

3. An act providing that certain legacies and devises shall not lapse.

4. An act further regulating the duties of Clerks of Circuit Courts.

5. An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

6. An act for the benefit of Margaret B. White.

7. An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the Inferior Court, and executions to issue in certain cases.

8. An act for the benefit of Ferdinand Hunn.

9. An act for the benefit of the Sheriffs of Casey and Pulaski counties.

10. An act for the benefit of Sarah Ann Brown.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 4th, 5th, 6th and 7th, were committed to the committee for Courts of Justice; the 2d to the committee on Banks; the 8th and 10th to the committee on Religion; and the 9th to the committee on Ways and Means.

*Ordered*, That the bill entitled an act to prescribe the mode of printing and distributing the laws of this Commonwealth, be referred to Messrs. Morehead, Wintersmith, A. Anderson and Buckner.

And then the House adjourned.

## THURSDAY, JANUARY 3, 1839.

1. Mr. Thornburg presented the petition of James Daniel, praying an appropriation to improve the landing at the town of Irvine, on the Kentucky river, and at other points on said river.

2. Mr. Thomas presented the petition of James W. Bowers, Jailer of Campbell county, praying compensation for keeping John Ackley, a fugitive from justice from the State of Ohio, in the jail of said county.

3. Mr. Pirtle presented the petition of Ebenezer W. Leveritt, praying a change of venue in a criminal prosecution pending against him in the Circuit Court of McCracken county.

4. Mr. Royston presented the petition of the officers of the 19th Reg't. Kentucy Militia, praying the passage of a law allowing persons attached to other adjacent regiments to join the Madison Troop of Cavalry.

5. Mr. Yates presented the petition of sundry citizens of Grayson county, praying an amendment to the law establishing the road from the mouth of Salt river to Bowlinggreen.

6. Mr. Bradshaw presented the petition of Wm. Radford, and others on his behalf, praying that a law may pass, permitting said Radford to bring into this State a certain slave.

7. Mr. Howard presented the petition of the widow and heirs of Michael Chism, dec'd., praying the passage of a law authorizing a sale of the real estate of said dec'd.

8. Mr. Myers presented the petition of the President and Directors of the Lexington and Covington Turnpike Road Company, praying an amendment to the charter of said Company.

9. Mr. Walker presented the petition of Elizabeth Miller, praying to be divorced from her husband, John Miller.

10. Mr. Swope presented the petition of sundry citizens of Campbell and Pendleton counties, praying the passage of a law to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

11. Mr. Bledsoe presented the petition of sundry citizens of Bourbon county, on behalf of the administrator and heirs of Jacob Lyon, dec'd., a free man of color, praying the passage of a law authorizing a sale of certain real estate of said dec'd.

12. Mr. Taggart presented the petition of sundry citizens of Muhlenburg county, praying a change in the time of holding the Circuit Court of said county.

13. Mr. Bledsoe presented the petition of John Griffith, guardian of Wil-

liam, Polly, Elizabeth, Sally Ann, John G. Henry and Samuel Franklin Conway, praying the passage of a law confirming a sale of a certain slave, made by him, belonging to his wards.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 8th to the committee on Internal Improvement; the 2d to the committee on Claims; the 3d, 7th and 12th to the committee on Courts of Justice; the 4th to the committee on Military Affairs; the 5th to Messrs. Yates, S. H. Anderson, Marshall, Morehead, Meriwether and Browder; the 6th and 13th to the committee on Propositions and Grievances; the 9th to the committee on Religion; the 10th to Messrs. Swope, Goodson, Thomas, Newell and Coleman; and the 11th to Messrs. Bledsoe, Sharp and Myers.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred leave to bring in the following bills, viz:

A bill to amend the law in relation to gaming, and for other purposes.

A bill to amend the laws in relation to the emancipation of slaves, the more effectually to prevent them from becoming a nuisance to this Commonwealth.

A bill to change the law in relation to trying the rights of property—reported the same with the following resolution, viz:

*Resolved*, That it is inexpedient to legislate on those subjects.

Which being twice read, was concurred in.

Mr. Bledsoe, from the committee on Propositions and Grievances, to whom was referred the petition of Wm. Radford, reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred the petition of Henry Reynolds, reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Willis and Nancy Lee, and of Peter Degman—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected.

Which being twice read, were concurred in.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill authorizing the appointment of County Treasurers—reported the same without amendment.

On motion of Mr. Swope,

*Ordered*, That said bill be referred to Messrs. Swope, Newell, Coleman and McElroy.

Mr. Buckder, from the same committee, to whom was referred a bill to reduce the price of vacant lands in this Commonwealth—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Blair, from the committee on Agriculture and Manufactures, to whom was referred a bill to incorporate the Nick Biddle Iron Company—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be committed to the committee for Courts of Justice.

Mr. Morehead moved that the committee on the Sinking Fund be discharged from the further consideration of that part of the report of the Commissioners of the Sinking Fund, which relates to the Penitentiary—which was granted.

*Ordered*, That the same be referred to the committee on the Penitentiary.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriff of Jefferson county.

By the committee on Propositions and Grievances—2. A bill to change the names of James Jameson and George Rook.

By the committee for Courts of Justice—3. A bill to authorize certain land warrants to be surveyed in the county of Clinton.

By same—4. A bill to repeal the 4th section of an act, entitled, an act to establish a road from Flynn's old ferry, across the Ohio river, in the county of Livingston, to Princeton, in Caldwell county, and for other purposes, approved Feb. 26, 1836.

By the committee on Internal Improvement—5. A bill in relation to the roads in Clay and Perry counties.

By the committee on Religion—6. A bill for the benefit of Thos. J. Pavis.

By Mr. McBrayer—7. A bill making an appropriation to the Anderson County Seminary.

By Mr. Wade—8. A bill to establish the town of Pleasant Hill, in Calloway county.

Which were severally read the first time, and ordered to be read a second time.

*Ordered*, That the 7th bill be laid on the table for the present.

The rule of the House, constitutional provision and second and third readings of the 1st, 2d, 3d, 4th, 5th, 6th and 8th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act in relation to the registration of mortgages and deeds of trust.

An act for the benefit of the Sheriff of Shelby county.

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriff of Jefferson county.

With amendments to each.

And the passage of bills and a resolution from the Senate of the following titles, viz:

An act to amend an act to alter the mode of summoning Petit Jurors.

An act to establish the town of Lovelaceville, in the county of McCracken.

An act for the benefit of the Sheriff of Lawrence county.

And a resolution adopting a joint rule, that the committees on Education examine Transylvania University, Lunatic Asylum, and Deaf and Dumb Asylum.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Sutton—1. A bill for the benefit of Elias Dobson.

On the motion of Mr. Latimer—2. A bill for the benefit of Melville Rich.

*Ordered*, That Messrs. Sutton, Howard, Ritter and Jasper, prepare and bring in the 1st, and the commitee on Claims the 2d.

The amendments proposed by the Senate, to bills from this House, of the following titles, viz:

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriff of Jefferson county.

An act for the benefit of the Sheriff of Shelby county.

Were taken up, twice read, and concurred in.

A bill from the Senate, entitled, an act for the benefit of the Sheriff of Lawrence county.

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardy moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to make the following inquiries, and report the result to this House.

1. What number of miles of turnpike roads has been completed in the State, and at what average cost per mile.

2. What distance of turnpike road is now under contract and not completed, and at what average cost per mile.

3. What distance of road has been surveyed, with a view of being put under contract.

4. What surveys are contemplated by the Board, and what is the distance in miles.

Which being twice read, was adopted.

Mr. Ritter moved the following resolutions, viz:

*Resolved*, That the President and Directors of the Commonwealth's Bank and the Old Bank of Kentucky, report to this House, what debts are due and owing said banks; what steps, if any, have been taken to collect the same.

*Resolved, further*, That they report to this House, the number of debtors to said banks in each county of this State, and the amount of said debts.

*Resolved, also*, That if they have appointed any agent or agents in the different counties, to collect said debts, to report who they are; and if said agent or agents have collected or otherwise liquidated said debts, state on what terms said debts have been settled; and if any of said debts have been settled for less than their nominal amounts, that they state the name of the individual or individuals who were owing said debt or debts, and the name of the agent or agents who settled the same.

Which being twice read, were adopted.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
*Frankfort, 3d January*, 1839.

GENTLEMEN OF THE
HOUSE OF REPRESENTATIVES:

On the 20th December, 1838, your body adopted a resolution, requesting me to communicate the correspondence between myself and the Governor of Ohio, in compliance with a preamble and resolutions of the Legislature of Kentucky, in relation to slaves who escape from their owners into the States of Ohio, Indiana and Illinois, and such action as those States have had thereon, of which I have been officially informed.

I have received no official information of the Legislatures of these respective States having taken any action upon the subject. The correspondence between myself and the Executive of Ohio, is, as requested, herewith transmitted.

JAS. CLARK.

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COMMONWEALTH OF KENTUCKY:

EXECUTIVE DEPARTMENT,
Frankfort, October 18th, 1837.

SIR:

A preamble and resolution, in relation to slaves who escape from their owners, into the States of Ohio, Indiana and Illinois, were adopted by the last session of the General Assembly of this State; a copy of which is herewith enclosed. The resolution, as you will discover upon its perusal, requests that I shall open a correspondence with your Excellency, in relation

to fugitive slaves who take refuge within the borders of your State, and who are, in some cases, protected and concealed from reclamation, by the artifice and misguided philanthropy of some of your citizens; and that I should suggest such measures, in furtherance of the object contemplated, as I may conceive best calculated to remedy the evils complained of. That something efficient and of decisive character should be adopted by your State, upon this subject, I have no doubt; it is essential to the maintenance and continuation of that amicable intercourse and comity of feeling that now exists between the States of Ohio and Kentucky, and should ever prevail between adjacent Republics. The cause of dissatisfaction is so amply set forth in the preamble, that I deem it supererogation to enlarge upon the subject. In conclusion, sir, permit me to request of your Excellency, that you will lay the accompanying preamble and resolutions before the Legislature of Ohio, and recommend to their serious consideration, the grievances therein complained of, and the adoption of such measures as in their wisdom may be deemed expedient.

In the meantime, I feel persuaded that I shall shortly receive from your Excellency, an assurance of your friendly and efficient intervention in the adjustment of a subject of such vital importance to the citizens of Kentucky—a subject which is, in the absence of appropriate legislation, so well calculated to arouse the angry feelings of the citizens of each State; and if not speedily regarded by legislative enactment on the part of Ohio, to secure to the citizens of Kentucky, the right of property within her borders, may eventuate in an untoward and deplorable interruption of that harmony, courtesy and good feeling, that should ever obtain between the good citizens of the respective States.

Very respectfully, your Excellency's
Obedient, humble servant,
JAMES CLARK.

To his Excellency, the GOVERNOR OF OHIO.

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COLUMBUS, *December 27th*, 1837.

MY DEAR SIR:

Enclosed, you have a copy of my letter to the General Assembly, relative to the Kentucky preamble and resolution. I owe you an apology for its not being communicated at an earlier period of the session; but a pressing call for my presence at home, the day after my annual communication, with indisposition since my return, must plead my excuse.

Very sincerely, your friend and serv't,
JOSEPH VANCE.

Hon. JAMES CLARK, *Governor of Ky.*

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EXECUTIVE OFFICE, OHIO,
Columbus, December 26th, 1837.

*To the General Assembly*
*of the State of Ohio:*

GENTLEMEN—I am requested by the Governor of Kentucky, to lay before you the enclosed preamble and resolution, relative to the elopement of their

slaves, and the facilities afforded them by our citizens, of concealment in our State, and aid in passing through it, into the Territories of Great Britain.

All must agree, that our duty to our sister States and the government of the Union, requires us to give our laws such form, as to secure to our fellow citizens in the slave holding States, the rights guarantied to them by the Constitution and Laws of the United States, as well as to throw around the free people of color within our borders, that protection of law, that shall secure their persons from unlawful seizure, whether made under color of law, or in disregard of its injunctions.

JOSEPH VANCE.

The Speaker laid before the House the following annual report of the Commissioners of the Lunatic Asylum.

[*For this report—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 150 copies of the report for the use of the members of this House.

The Speaker laid before the House the report of the President of the Bank of the Commonwealth, which is as follows, viz:

BANK OF THE COMMONWEALTH,
*January* 3, 1839.

SIR:

Since my last report, I have collected and paid into the Public Treasury, to the credit of the Commissioners of the Sinking Fund, $31,280—$1,628 80 of the notes of the Bank, have been redeemed and cancelled by burning, leaving in circulation, or unredeemed, $3,681 96 of the entire amount issued.

The real estate remaining on hand, consists mostly of poor, unimproved lands, which are of but little value.

Nearly all the debts now due, are on judgments, but it is impossible for me to say, with any degree of certainty, what amount is yet to be realized. The receipts from this source for the present year, I think, may safely be set down at $20,000.

No effort shall be wanting, on my part, to wind up the affairs of the Institution as speedily as possible.

Very respectfully, sir,
Your obe'd serv't.,
H. WINGATE, *President.*

HON. R. P. LETCHER,
*Speaker of the House of Representatives.*

*Ordered*, That said report be referred to the committee on the Sinking Fund.

The Speaker laid before the House, the report of W. W. Mather, who was employed under the resolution of last session, to make a geological reconnoisance of the State.

[*For this report—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 2000 copies of said report for the use of the members of this House.

The House resolved itself into a committee of the whole, on the resolutions from the Senate, enticing the slaves of the citizens of Kentucky, by the citizens of other States, Mr. Meriwether in the chair; and after some time spent therein, the Speaker resumed the chair: when Mr. Meriwether reported that the committee had, according to order, had under consideration, the resolutions aforesaid, and had instructed him to report the same to the House without amendment.

Mr. McClung then moved the previous question, and it was decided in the affirmative.

The main question was then put, Shall the resolutions be adopted?

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McClung and Ritter, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, A.
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Basye,
Blair,
Bledsoe,
Bradley,
Bradshaw,
Brooks,
Browder,
Buford,
Bullock,
Buckner,
Butler,
Clay,
Cofer,
Combs,
Cornish,
Dohoney,
Dorton,
Fox,
Gano,
Goodson,
Graham,
Gray, B. E.
Gray, N. E.
Haggard,
Hardy,
Harris,
Heady,
Hopkins,
Howard,
Hughes,
Johnson,
Latimer,
Marshall,
McBrayer,
McClung,
McElroy,
McFall,
Meriwether,
Mims,
Morehead,
Morris,
Myers,
Newton,
O'Bannon,
Pirtle,
Pope,
Purdy,
Redd,
Reeves,
Ritter,
Rodes,
Root,
Rowlett,
Royston,
Shanklin,
Sharpe,
Slaughter,
Smith, I.
Smith, L. B.
Sprigg,
Swope,
Taggart,
Thomas,
Thornburg,
Todd,
Trimble,
Trumbo,
Waddle,
Walker,
White,
Wintersmith,
Yates—79.

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Ellison, | Newell, |
| Burden, | Jasper, | Riffe, |
| Coleman, | Lecompte, | Sutton, |
| Coffey, | McClure, | Wade—12. |

And then the House adjourned.

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## FRIDAY, JANUARY 4, 1839.

1. Mr. Thornburg presented the petition of sundry citizens of Estill and Perry counties, praying the formation of a new county out of parts of said counties.

2. Mr. Meriwether presented the petition of Stephen R. Chinoweth, Jailer of Jefferson county, praying the passage of a law allowing him compensation for maintaining two slaves, who died whilst confined in the jail of said county.

3. Mr. Bledsoe presented the petition of the Board of Trustees of the Town of Paris, praying the passage of a law authorizing a sale of certain real estate belonging to said town.

4. Mr. S. H. Anderson presented the petition of John L. Helm, and others, praying the passage of a law amending the charter of the Louisville and Elizabethtown Turnpike Road, so as more effectually to enforce the payment of tolls at the gates on said road.

5. Also, the memorial of the State Agricultural Society, praying the passage of a law establishing and endowing a School of Agriculture.

6. Mr. Hopkins presented the petition of sundry citizens of the town of Canton, in Trigg county, praying the passage of a law authorizing the discontinuance of certain streets therein.

7. Mr. Wintersmith presented the petition of Samuel and Betsey Percifull, praying to be divorced from each other.

Which petitions and memorial were severally received, the reading thereof (except the said memorial, which was read,) being dispensed with, were referred—the 1st and 3d to the committee on Propositions and Grievances; the 2d to the committee on Claims; the 4th to the committee on Internal Improvement; the 5th to the committee on Agriculture and Manufactures; the 6th to Messrs. Redd, Hopkins and Bradshaw; and the 7th to the committee on Religion.

Mr. Shanklin, from the committee on Enrollments, reported that the com-

mittee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act allowing additional Justices of the Peace and Constables to certain counties.

An act for the benefit of James L. Todd, a lunatic.

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

An act for the benefit of Wm. Kercheval.

An act for the benefit of James Henson and George W. McLeod.

An act to change the place of voting in the Floydsburg Precinct in Oldham county.

An act for the benefit of the Clerk of the Washington County Court.

An act for the benefit of James M. Hanson.

An act for the benefit of Thomas Hite.

An act to establish an additional election precinct in Ohio county.

An act for the benefit of the Sheriff of Shelby county.

An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved Jan. 17, 1818.

An act for the benefit of the Clerks of this Commonwealth.

An act for the benefit of the heirs and representatives of Thomas Jasper, dec'd.

An act to complete the State road from Mountsterling, by way of Prestonsburg to the Virginia line.

An act to incorporate the Louisa Literary Society.

An act to legalize the proceedings of the 74th Regiment of Kentucky militia, and for other purposes.

An act authorizing the Register to issue a patent in the name of Barnabas Wing.

An act to amend the charter of the city of Maysville.

An act to have the line run and marked between the counties of Morgan and Floyd.

An act for the benefit of Wm. Gross.

An act for the benefit of Margaret Holtzclaw.

An act to change the names of Josiah Cusick, Margarette Cusick, and Samuel Cusick.

An act for the benefit of Anna Dix and Elizabeth Maria Dix.

An act to change the place of voting in the Stephensport Precinct, in Breckinridge county.

An act for the benefit of Nancy L. McCullock.

An act allowing an additional Justice of the Peace to Butler county.

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriffs of Jefferson, Nicholas, Monroe, Barren and Clarke counties.

An act for the benefit of the infant heirs of Henry Crittenden, dec'd.

An act for the benefit of George Knox.

An act to run and mark the line dividing the counties of Knox and Whitley.

An act to incorporate the Hopkinsville Female Academy.

Also, bills which originated in the Senate, of the following titles, viz:

An act to change the January term of the General Court.

An act for the benefit of Lucy Jacobs.

An act for the benefit of William Butler, Clerk of the Monroe County Court.

And also, joint resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

On motion of Mr. S. H. Anderson,

*Ordered*, That power and authority be given to the select committee, to whom the memorial and petition praying the impeachment of Wm. Woods, a Justice of the Peace, was referred, to send for persons, papers and records, to be used in the investigation of the charges contained in the said memorial and petition.

The Speaker laid before the House, the report of the Superintendent of Common Schools.

[*For this Report—see Appendix.*]

*Ordered*, That said report be referred to the committee on Education; and that the Public Printer forthwith print 1000 copies thereof for the use of the members of this House.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act abolishing an election precinct in Casey county.

An act to establish an election precinct in the county of Allen.

And an act for the benefit of Maria Waller, an idiot.

With an amendment to the last named bill.

Mr. McElroy read and laid on the table the following joint resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That on the 7th day of January, 1839, by a joint vote of both houses, they will proceed to the election of two Commissioners, to proceed to the seat of government of the State of Ohio, and perform the duties prescribed under the joint resolution, passed at the present session, on the subject of Abolition.

Leave was given to bring in the following bills, viz:

On motion of Mr. Heady—1. A bill to allow an additional Constable to the county of Spencer.

On motion of Mr. N. E. Gray—2. A bill for the benefit of the Sheriff of Christian county.

*Ordered*, That Messrs. Heady, Graham and Purdy, prepare and bring in the 1st, and the committee on Ways and Means the 2d.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill for the benefit of Robert Arberry, reported the same without amendment, with the opinion that it ought not to pass.

Mr. Butler then moved an amendment thereto, as a substitute.

Mr. Dohoney moved that said bill and amendment be laid on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. O'Bannon and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Ellison, | O'Bannon, |
| Anderson, S. H. | Gray, B. E. | Riffe, |
| Andrews, | Gray, N. E. | Ritter, |
| Blair, | Hardy, | Rowan, |
| Bradshaw, | Hopkins, | Sutton, |
| Bullock, | Howard, | Taggart, |
| Burden, | Latimer | Todd, |
| Clay, | McClure, | Wade, |
| Coleman, | Newell, | White—28. |
| Dohoney, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Redd, |
| Messrs. Allen, | Goodson, | Reeves, |
| Apperson, | Graham, | Root, |
| Ballard, | Haggard, | Rowlett, |
| Basye, | Harris, | Royston, |
| Bledsoe, | Heady, | Shanklin, |
| Bodine, | Jasper, | Sharpe, |
| Bradley, | Johnson, | Slaughter, |
| Brooks, | Lecompte, | Smith, I. |
| Browder, | Marshall, | Smith, L. B. |
| Buford, | McBrayer, | Sprigg, |
| Buckner, | McClung, | Swope, |
| Butler, | McElroy, | Thomas, |
| Cofer, | McFall, | Thornburg, |
| Coffey, | Meriwether, | Trimble, |
| Combs, | Mims, | Trumbo, |
| Cornish, | Morehead, | Waddle, |
| Daviess, | Myers, | Walker, |
| Dorton, | Pirtle, | Wintersmith, |
| Field, | Pope, | Yates—62. |
| Fox, | Purdy, | |

The question was then taken upon the adoption of said amendment, and decided in the affirmative.

*Ordered*, That said bill, as amended, be engrossed, and read a third time.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By Mr. A. Anderson—1. A bill to amend an act, incorporating a Company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in the direction of Knoxville.

By Mr. Heady—2. A bill to allow an additional Constable to the county of Spencer.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills being dispensed with, the 1st was referred to the committee on Internal Improvement, and the 2d (being first amended,) was ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be amended to read, an act to allow additional Constables to the counties of Spencer and Calloway.

Mr. Apperson, from the committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill to provide for the appointment of Attornies for the Commonwealth.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

*Ordered*, That said bill be engrossed, and read a third time.

Mr. Wintersmith, from the committee for Courts of Justice, to whom was referred a bill to amend the law in relation to the appointment of Constables, reported the same with an amendment as a substitute—which was concurred in.

*Ordered*, That said bill, as amended, be laid on the table for the present; and that the Public Printer forthwith print 150 copies thereof for the use of the members of this House.

A message was received from the Senate, announcing that they had received official information from the Governor, that he had approved and signed resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States. Approved, Jan. 4, 1839.

And had passed a resolution, fixing a day to elect two Commissioners, in pursuance of the joint resolutions respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States.

Whereupon the said resolution was taken up, twice read, and concurred in.

Mr. Sprigg moved the following resolutions, viz:

*Resolved, by the House of Representatives*, That the Northern Bank of Kentucky, and the Bank of Kentucky, forthwith exhibit and lay before this House, the accounts of the Commissioners of the Sinking Fund, with each of those Banks, setting forth the times when deposites were made in them by said Commissioners; the several sums deposited; when drawn out, or checked for; by whom drawn out, and in whose favor drafts were made by said Commissioners upon said Banks, and the several sums so drawn out of the Sinking Fund, deposited with them.

*Resolved further*, That the Branch Bank of Kentucky, at Frankfort, forthwith exhibit to this House, all the statements required by the foregoing resolution.

*Be it further resolved*, That the said Banks are hereby required, forthwith to report to this House, the names, and, if possible, the residences, of the different persons from whom the stock held by the State in either of said Banks, were or are transferred to the State; and also the times when the transfers of stock were made.

*Resolved further*, That the select committee to whom was referred the leave to bring in a bill to amend the act, entitled, an act to provide a Sinking Fund for the payment of the interest on loans for internal improvement, and for the final redemption of the principal of said loans, may have the power, and they are hereby vested with the power, to examine and ascertain from the books, proceedings and journals of the Northern Bank of Kentucky, of the Bank of Kentucky, and of the Bank of Louisville, the names of the persons from whom has been transferred, the stock now held by the State in these Banks; the time when transferred, and, if possible, through whose agency said stocks were purchased, and at what point they were purchased; and the said committee shall ascertain, and shall have power to send for persons and papers, to ascertain the price of Kentucky Bank Stocks, at the several times when the Commissioners of the Sinking Fund have purchased Bank Stocks for the State.

Which being twice read, was adopted.

The House then resolved itself into a committee of the whole on the bill to establish the Southern Bank of Kentucky, Mr. McElroy in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. McElroy reported that the committee had, according to order, had under consideration, the bill aforesaid; that an amendment had been proposed thereto; but not having time to go through with the same, had instructed him to ask leave to sit again—which was granted.

*Ordered*, That the Public Printer forthwith print 150 copies of said amendment, for the use of the members of this House.

And then the House adjourned.

## SATURDAY, JANUARY 5, 1839.

1. Mr. Bradley presented the petition of sundry citizens of Hopkins county, praying the formation of a new county out of parts of said county, and the counties of Caldwell, Livingston and Union.

2. Also, the petition of sundry citizens of Livingston county, praying for the same object.

3. Mr. Gough presented the petition of sundry citizens of the town of Brandenburg, praying the passage of a law enlarging the powers of the Trustees of said town.

4. Mr. McElroy presented the petition of sundry citizens of Livingston county, praying for the formation of a new county, out of parts of said county and the counties of Caldwell, Union and Hopkins.

5. Mr. Ballard presented the petition of sundry citizens of Oldham county, praying the passage of a law authorizing the sale of the public property in the town of Westport, in said county.

6. Mr. Hughes presented the petition of John Perkins, praying the passage of a law allowing him a change of venue in a criminal prosecution pending against him in the county of Livingston, to the county of Calloway.

7. Mr. Dorton presented the petition of sundry citizens of Harlan county, praying the repeal of an act passed at the last session, adding a part of said county to the county of Knox.

8. Also, the remonstrance of sundry citizens of Harlan county, against the repeal of the act of the last session, adding a part of said county to the county of Knox.

9. Mr. Hughes presented the petition of sundry citizens of Smithland, in Livingston county, praying the passage of a law allowing the Trustees of said town to license coffee houses.

10. Mr. Royston presented the petition of sundry citizens of Madison county, praying the passage of a law providing for the collection of the Agricultural statistics of this State.

11. Mr. B. E. Gray presented the petition of E. L. McLean, committee for Young W. Ewing, a lunatic, praying the passage of a law confirming a sale of a slave, made by him, as committee aforesaid.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st, 2d, 4th, 7th, 8th and 9th, to the committee on Propositions and Grievances; the 3d, 6th and 11th, to the committee for Courts of Justice; and the 10th to the committee on Ways and Means.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Willie Sugg.

An act for the benefit of the heirs and representatives of Eliza Murray, dec'd.

An act to allow an additional Justice of the Peace to the county of Clay.

An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act to allow an additional Constable in the county of Logan.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to establish the town of Rochester.

With amendments to the two latter bills.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Sheriffs of Owen and Butler counties—reported the same with amendments, which were concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Hiram Phillips—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Pope, from the committee on Claims, to whom was referred the petition of Ann Caldwell, reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Trimble, from the committee on Banks, to whom was referred a bill from the Senate, entitled,

An act to continue in force, an act to allow the Independent Banks of this Commonwealth further time to collect and settle their concerns—approved January 4, 1836, and for other purposes,

Reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, by Mr. Wickliffe, informing the House that the Senate were then ready to proceed to the election of two Commissioners, in pursuance of the resolution of both Houses, respecting the enticing away the slaves of the citizens of Kentucky, by the citizens of other States.

Mr. Harris then nominated Mr. John Speedsmith, and Mr. S. H. Anderson nominated Mr. James T. Morehead; and after an inetrchange of nominations, the House proceeded to the election.

Whereupon, Messrs. Speedsmith and Morehead received the unanimous vote of this House.

Messrs. S. H. Anderson, Trimble and Mims, were appointed a committee on the part of this House, to act in conjunction with a committee on the part of the Senate, to compare the vote and report the result.

The committee retirced, and in a short time returned; when Mr. S. H. Anderson reported that Mr. Morehead had received 32 votes in the Senate, and Mr. Speedsmith, 31.

Whereupon, Messrs. Morehead and Smith were declared duly elected Commissioners under the joint resolution aforesaid.

Mr. Pope, from the committee on Claims, to whom was referred a bill for the benefit of John Cobb, Hezekiah Willis, Perry Watters and Shepherd Birch—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act that certain legacies and devises shall not lapse, reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Buckner, from the same committee, to whom was referred a bill from the Senate, entitled,

An act to repeal the law prohibiting the importation of slaves into this State, approved February 2d, 1833,

Reported the same without amendment.

*Ordered*, That the further consideration of said bill be postponed to, and made the special order of the day for Wednesday, the 16th inst.

Mr. Buckner, from the same committee, to whom was referred a bill from the Senate, entitled, an act further regulating the duties of Clerks of Circuit Courts—reported the same with amendments.

Mr. McElroy moved to lay said bill and amendments on the table, until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McElroy and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Graham, | O'Bannon, |
| Bodine, | Hardy, | Pirtle, |
| Bradley, | Heady, | Purdy, |
| Bradshaw, | Howard, | Riffe, |
| Buford, | Hughes, | Ritter, |
| Burden, | Jasper, | Rowlett, |
| Coffey, | Johnson, | Sprigg, |
| Cornish, | Lecompte, | Sutton, |
| Dohoney, | McBrayer, | Thomas, |
| Dorton, | McClure, | Todd, |
| Ellison, | McElroy, | Wade, |
| Goodson, | McFall, | White—38. |
| Gough, | Newell, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Rodes, |
| Messrs. Allen, | Field, | Root, |
| Anderson, S. H. | Fox, | Rowan, |
| Andrews, | Gano, | Royston, |
| Apperson, | Gray, B. E. | Shanklin, |
| Ballard, | Gray, N. E. | Sharpe, |
| Basye, | Haggard, | Slaughter, |
| Blair, | Hopkins, | Smith, I. |
| Bledsoe, | Latimer, | Smith, L. B. |
| Brooks, | Marshall, | Taggart, |
| Browder, | Meriwether, | Thornburg |
| Bullock, | Mims, | Trimble, |
| Buckner, | Myers, | Trumbo, |
| Butler, | Newton, | Waddle, |
| Clay, | Pope, | Walker, |
| Cofer, | Redd, | Wintersmith, |
| Combs, | Reeves, | Yates—51. |

On motion of Mr. McElroy,

*Ordered*, That said bill and amendments be recommitted to the committee for Courts of Justice, with the following instructions, viz:

To amend the bill, by striking out so much of the same, as allows said Clerks any compensation or fee, for the services therein directed to be performed.

A message was received from the Senate, by Mr. Weller, asking leave to withdraw their report, announcing their disrgreement to bills from this House, of the following titles, viz:

An act for the benefit of Henry G. A. Blankman.

An act for the benefit of Keziah Craycraft,

Which was granted, and the bills withdrawn.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties.

By the committee on Military Affairs—2. A bill to authorize the citizens of Louisville to raise and organize a military corps, to be styled the "Louisville Legion."

By the committee on Claims—3. A bill for the benefit of Henry Clay, Jr.

By Mr. Wintersmith—4. A bill concerning the Meade Circuit Court.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Johnson—1. A bill to amend an act, entitled, an act to amend the law in relation to divorces.

By Mr. A. Anderson—2. A bill providing for the apprehension and detention of persons who have committed offences in other States, and have escaped to this State.

By Mr. Swope—3. A bill for the benefit of the Sheriff of Pendleton county.

The committee for Courts of Justice were appointed to prepare and bring in the 1st; Messrs. A. Anderson, Morehead and Ritter, the 2d; and the committee on Ways and Means, the 3d.

Mr. Newell moved the following resolution, viz:

*Resolved*, by the House of Representatives, That the Governor be requested to have a national salute fired on the Public Square, at sunrise, on the 8th inst., in honor of the glorious victory obtained by American valor over British invasion, at New Orleans, the 8th of January, 1815.

Which being twice read, was adopted.

Mr. Graham moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the propriety of directing the Board of Internal Improvement

to subscribe for an additional amount of stock in the Louisville and Shepherdsville Turnpike Road Company.

Which being twice read, was adopted.

Mr. Marshall presented the petition of the widow of Robert S. Samuel, dec'd., and Benjamin Berry, the adm'r of his estate, praying the passage of a law, authorizing a sale of the real estate of said dec'd.

Which was received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

And then the House adjourned.

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## MONDAY, JANUARY 7, 1839.

1. The Speaker laid before the House the petition of Wm. Hunter, praying that the sum of money subscribed by him many years since, to build the State House, be refunded to him.

2. Mr. Todd presented the petition of Joseph R. Underwood, praying the passage of a law increasing the powers of the Trustees of the town of Bowlinggreen, so as to enable them to receive, on certain conditions, a legacy of Robert Cradock, dec'd.

3. Mr. Newton presented the petition of the heirs and representatives of Eli Adams, dec'd., praying for the sale of a tract of land belonging to said decedent.

4. Mr. Trumbo presented the petition of Samuel D. Baird, praying to be divorced from his wife Elizabeth.

5. Mr. Edmonson presented the petition or release of sundry share holders in the Louisville and Nashville turnpike road, releasing their right to claim toll from the Munfordsville bridge.

6. Mr. Allen presented the petition of James E. Stone, Clerk of Hancock County Court, praying to be released from the payment of $30, which he failed to receive from a pedlar of goods, through mistake.

7. Also, the petition of the Trustees of the town of Hawesville, asking permission to levy a tax on pedlars, shows, &c., for the use and benefit of said town.

8. Mr. N. E. Gray presented the petition of sundry citizens of Christian county, praying that no law may pass, granting to head-right settlers further indulgence.

2. Mr. Coffey presented the petition of R. M. Hayden, and sundry citizens of Wayne county, praying that the boundary of said Hayden's Constable's district may be changed.

10. Mr. Todd presented the petition of sundry citizens of Allen and Warren counties, praying a repeal of the law declaring Trammel's Fork of Drake's creek a navigable stream.

11. Mr. Sutton presented the remonstrance of sundry citizens of the same counties, against the repeal of said law.

Which petions and remonstrance were received, the reading thereof dispensed with, and referred—the 1st to the committee on Claims; the 2d, 3d, 7th and 8th to the committee for Courts of Justice; the 4th to the committee on Religion; the 5th, 10th and 11th to the committee on Internal Improvement; the 6th to the committee on Ways and Means, and the 9th to Messrs. Coffey, Bradley and L. B. Smith.

Mr. S. H. Anderson, from the committee appointed to examine into the charges exhibited against Wm. Woods, a Justice of the Peace for Garrard county, made the following report, viz:

The select committee, to whom was referred the petition of Absalom Pollard, praying the impeachment of Wm. Woods, a Justice of the Peace in Garrard county; and to whom also, was referred the memorial of nine Justices of the Peace in said county, praying an investigation into the conduct of said Woods, would respectfully report the following facts to the House, viz:

The committee met, and after hearing the specifications contained in the petition and memorial, determined to consider the charges; and accordingly despatched the Sergeant-at-Arms of this House, with process, requiring the attendance of said Woods, before the committee, on the 14th Jan. 1839.

Since the meeting of the committee as above, Wm. Woods has visited Frankfort, without having seen the Sergeant, and has *resigned* his office of Justice of the Peace in Garrard county; upon the receipt of which information, the committee met, and adopted the following resolution:

*Resolved*, That this committee ask to be discharged from the further consideration of the petition and memorial aforesaid, praying the impeachment of Wm. Woods.

Which being twice read, was adopted.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Nelson Dyer.

And had passed bills from this House, of the following titles, viz:

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Sheriff of Clay county.

An act for the benefit of the Sheriff of Muhlenburg county.

An act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.

An act for the benefit of the Sheriff of Calloway county.

And the passage of bills from the Senate, of the following titles, viz:

An act giving Sheriffs further time to return their delinquent lists of revenue tax for 1838.

An act for the benefit of Samuel Ingram, late Sheriff of Marion county.

An act for the benefit of the Sheriff of Adair county.

An act to amend an act, entitled, an act for the benefit of Wm. Butler, Clerk of the Monroe County Court, approved 5th Jan. 1839.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill to incorporate the Covington Factory Company, asked leave to be discharged from the further consideration thereof—which was granted.

*Ordered*, That said bill be referred to Messrs. Goodson, Thomas and Swope.

Mr. Buckner, from the same committee, to whom was referred a bill to amend the several acts concerning the town of Paris—reported the same with amendments.

Which being twice read, were concurred in.

*Ordered*, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title be amended to read,

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
*Frankfort, 7th January*, 1839.

TO THE HOUSE OF REPRESENTATIVES:

Gentlemen—In reply to your resolutions of the 2d inst., desiring information in regard to the condition of the Arms of the State, &c. &c., permit me to refer you to the reports of the Quarter Master General, and the accompanying documents, all of which are herewith transmitted, and which fully respond to all of the interrogatories embodied in said resolutions, and contain all the official information in my possession, in regard to the subjects of inquiry.

JAS. CLARK.

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QUARTER MASTER GENERAL'S OFFICE,
*Frankfort, 5th Jan.* 1839.

SIR:

Your communication of the 4th inst., was handed to me late last evening, enclosing the following resolution of the House of Representatives:

"*Resolved, further*, That he be also, respectfully requested to communicate to this House, such information as he may have or can get, in regard

to the proceeds, if any; and if none, such information as he may have, as to the final disposition of those remnants of arms that remained unconsumed by the burning of the Arsenal."

I regret to say, that I am unable to furnish you with any information in reply to the above resolution, from the records of this office, there being no entry, showing the quantity of arms burned in the State Arsenal, in March, 1836; or the quantity disposed of, or any thing relative thereto.

When the charge of this department was conferred upon me, in April last, no part of the burnt arms were in the arsenal, except the noted little brass four pound cannon, which was re-fitted at the Penitentiary after the burning, and is now in the arsenal.

While endeavoring to ascertain the quantity of arms burnt in 1836, in order to reduce them to record, I learned that the greater part thereof were disposed of by my predecessor, to Thos. S. Theobald, and were shipped on board of a steamboat for Cincinnati. As to the terms or conditions of sale, I have no knowledge; but had supposed they were accounted for to the Auditor of Public Accounts.

I have the honor to be, most respectfully,

Your ob't servant,

A. W. DUDLEY, Q. M. G.

His Excellency, JAMES CLARK,
*Governor of Kentucky, Frankfort.*

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QUARTER MASTER GENERAL'S OFFICE,
*Frankfort. Nov. 26th*, 1838.

SIR:

Permit me to report the present state of this department.

A short time since, I received from Col. Bumford, of the Ordnance Department, at Washington, this State's account current, up to the first day of January, 1837; showing that the United States have handed over to this State, the following arms, munitions of war, &c., consisting of 7 pieces of artillery; 100 swords; 1,654 rifles and accoutrements; 2,329 swords; 2,265 pair of pistols; 13,115 muskets and accoutrements—all equivaient to 21,693 muskets.

From the enclosed statement, marked A, you will perceive the number now in the State Arsenal; those destroyed by the burning of the arsenal in 1836; and the number now in the hands of the militia, as shown by the bonds on file in this office, to be 4,254 muskets and accoutrements; 819 rifles and accoutrements; 1,925 swords; 1,730 pr. pistols and accoutrements; 5 pieces of artillery, and 52 swords.

According to your directions, I have caused the arms in bad order, in the arsenal, to be put in as good order as the rough usage (while in the hands of the militia) would permit.

It is with regret, I am compelled to say, from the reports of the Brigadier Generals and Colonels received, that fully one half (if not two thirds) of those now in the hands of the militia are destroyed or lost; and the greater part of the remainder unfit for service; which, if called in, and put in order to render them fit for service, would cost the State an average of one dollar

for each stand, and this, without the accoutrements, which, when brought in, are almost useless, rendered so from bad usage and neglect.

You will perceive, by a reference to the statement marked A, there are besides, the above, a deficiency of about 4,220 stand of arms; where they are, or what has become of them, I am unable to ascertain from the books and papers of this office, except that part, the bonds of which were cancelled by the Legislature; amounting, I suppose, to some 800 stand—equal to $10,500 worth, at government price.

I have issued Circulars, Orders, &c., to the Commandants of Brigades, Regiments and Companies, requiring information relative to the order, condition, &c., of the Public Arms; but replies are seldom received.

Suffer me to say, if his Excellency and our Legislature attach much value to the public arms which this State has received from the United States Government, equivalent to 21,693 muskets, we must have laws to preserve them from destruction.

For the safety and preservation of those on hand, as well as those soon to be received, I deem it very necessary that a dry and secure place should be had for their storage. A room cannot be had, combining the necessary qualities for a State Arsenal, of dryness, preservation from fire, and free from depredation.

I discover from the books of this office, that Thomas P. Dudley, acting as Deputy Quarter Master General to the detachment of troops, under Major General A. Jackson, drew from S. J. Hawkins, then Quarter Master General Kentucky Militia, 195 stand of muskets for the U. States service; and cannot discover that they have ever been returned by the U. States.

If you desire this department to be strictly attended to, and regenerated, the duties must be extremely laborious; the loaning out of arms is a small matter; but to get them returned and put in good order, will require great patience and labor.

With great respect,

Your obedient servant,

A. W. DUDLEY, Q. M. G.

His Excellency, JAMES CLARK,

*Governor of Kentucky.*

A.

*Statement of the condition of the Ordnance Department of the State of Kentucky, up to the 20th November, 1838.*

| | Brass 3 pounders. | Iron 6 pounders. | Swords and Belts. | Ammunition Boxes. | Muskets and Bayonets. | Catr'dge boxes and Belts. | Bay. scabbards and Belts. | Accoutre-ments. |
|---|---|---|---|---|---|---|---|---|
| In the hands of the Militia, from bonds, - - | | 5 | 52 | – | 4495 | 4430 | 4254 | – |
| Burnt in the State Arsenal, in 1836, taken from the Journals of the Legislature, | – | – | – | – | 3000<br>1000* | – | – | 3000 |
| In the State Arsenal, 20th Nov. 1838, - - | 1 | 1 | 68 | 2 | 592 | 488 | 538 | – |
| Total, - - - | 1 | 6 | 120 | 2 | 9087 | 8918 | 4792 | 3000 |
| Received from the United States, from 1808, to first Jan. 1838, per account current of Col. Bumford, | 1 | 6 | 100 | – | 13115 | – | – | 7682 |
| Deficient, - - | – | – | – | – | 4028 | – | – | – |
| RECAPITULATION. | | | | | | | | |
| Deficiency unaccounted for, - - - - - | – | – | – | – | 4028 | – | – | – |
| Burnt in the State Arsenal, in 1836, - - - | – | – | – | – | 3000 | – | – | 3000 |
| Supposed loss of those now in the hands of the Militia, founded upon the reports of the officers, put down at one half the quantity now in their hands, - - - - - - - - - | – | 2 | 25 | – | 2247 | 2215 | 2127 | – |
| Total positive and supposed loss of arms, - - | – | 2 | 25 | – | 9275 | 2215 | 2127 | 3000 |

* Bad order.

A.—Continued.

| | Rifles. | Horns and Flasks. | Pouches and Belts. | Prs of Pistols. | Swords. | Sword Scabbards and Belts. | Pairs Holsters. | Cat'ge Boxes. | Accoutr'ments |
|---|---|---|---|---|---|---|---|---|---|
| In the hands of the Militia, from bonds, - - | 819 | 845 | 845 | 1730 | 1925 | 876 | 727 | 438 | |
| Burned in the State Arsenal, in 1836, taken from the Journals of the Legislature, | 260<br>150* | –<br>– | –<br>– | 250 | 250 | 250 | 250 | 250 | |
| In the State Arsenal, 20th Nov. 1838, - - - | 278 | 180 | 180 | 232 | 88 | 88 | 98 | 98 | |
| Total, - - - | 1507 | 1025 | 1025 | 2212 | 2263 | 1214 | 1075 | 776 | |
| Received from the U. States, from 1808 to 1st Jan. 1838, per account current of Col. Bumford, - | 1654 | – | 1579 | 2265 | 2329 | 203 | – | – | 1576 |
| Deficient, - - - | 147 | – | – | 53 | 56 | – | – | – | |
| RECAPITULATION. | | | | | | | | | |
| Deficiency unaccounted for, - - - - | 147 | – | – | 53 | 56 | – | – | – | |
| Burnt in the State Arsenal, in 1836, - - - | 260 | – | – | 250 | 250 | 250 | 250 | 250 | |
| Supposed loss of those now in the hands of the militia, founded upon the reports of the officers, put down at one half the quantity now in their hands, - - - - - - - - | 409 | 422 | 422 | 865 | 962 | 438 | 363 | 219 | |
| Total positive and supposed loss of arms, - - | 816 | 422 | 422 | 1168 | 1268 | 688 | 613 | 469 | |

I certify the above statement of the Ordnance Department to be correct, as near as I am able to ascertain.
Nov. 20th, 1838. [* Bad order.] A. M. DUDLEY, Q. M. G.

QUARTER MASTER GENERAL'S OFFICE,
Frankfort, Nov. 20th, 1838.

SIR:

On the 1st of August, 1838, I issued from this office, a General Order (marked C,) to each Brigadier General; and at the same time enclosed one to each Colonel, (marked B,) to be transmitted to them by their Brigadier Generals; all of which were deposited in the post office by me—requiring, under the militia law, reports to be made to this office, through the Brigadier and Adjutant Generals, on or before the 30th day of October, 1838, as to the order, condition, &c., of the public arms, the property of this State; but a very small number have complied with the order.

Therefore, permit me to report to your Excellency the following Brigadier Generals and Colonels, who have failed to comply with the order, viz:

1st Brigade—Peter Sweets, Brig. Gen.

2d Regiment—Col. Commandant thereof.
27th " " Griffith Crume.
32d " " John H. Myres.
62d " " Will Morgan.

5th Brigade.

8th Regiment—Col. George W. Darnaby.
9th " " H. Chrisman.
17th " " Haz'h Haggard.
36th " " O. Tracey,
37th " " Washington Goin.

6th Brigade.

22d Regiment—Col. Victor Monroe.
77th " " Silas M. Berry.
92d " " J. C. Towson.

7th Brigade.—John Marmin, Brigadier General.

15th Regiment—Col. John A. Slack.
29th " " Thomas M. Forman,
69th " " Thompson Irwin.
123d " " St. Clair Demmitt.

8th Brigade—Peter Jordan, Brigadier General.

4th Regiment—Col. C. Raleigh.
43d " " John A. Davenport.
50th " " James McDonald.
126th " " John Walker.

10th Brigade—H. S. Emmerson, Brigadier General.

16th Regiment—Col. Alexander Lisle,
46th " " Robert Elliott,

52d " " Isham Bolen.
81st " " Rice Maxey.
93d " " Henry Moore.
99th " " Will E. Gaines.
109th " " Phillip Emmitt.
130th " " J. C. A. Strange.

12th Brigade—Tucker W. Ragsdale, Brigadier General.

49th Regiment—Col. John H. McHenry.
66th " " Wm. Rase.
73d " " Joseph Weaver.
87th " " E. Bozarth.
129th " " Lewis Riley.

13th Brigade—John Tribble, Brigadier General.

7th Regiment—Col. Daniel White.
19th " " Samuel Black.
35th " " W. L. Lipscomb.
78th " " John G. Boyd.

14th Brigade—William Ratcliffe, Brigadier General.

56th Regiment—Col. John Bowling.
70th " " Cyrus Vanbibber.
110th " " Joseph R. Ward.
115th " " Jacob Morton.

16th Brigade—Daniel F. James, Brigadier General.

44th Regiment—Col. Abel Gilliland.
53d " " James Jones.
74th " " Matthew Slaughter.
90th " " Jacob Holden.
95th " " Spencer Hudson.

17th Brigade.

40th Regiment—Col. Mosby P. Wells.
41st " " Edward H. Hopkins.

18th Brigade—Elijah Combs, Brigadier General.

54th Regiment—Col. ——, Commandant thereof.
124th " " Henry Branson.
68th " " George Bush.
80th " " Elijah Combs.

19th Brigade.

55th Regiment—Col. Jesse Stephens.

20th Brigade—William Marshall, Brigadier General.

25th Regiment—Col. M. M. Clarke.
45th " " James Cummins.

61st " " William Datton.
94th " " N. H. Parrish.
101st " " Joseph Wiltburger.
127th " " Ambrose Kirtby.

21st Brigade.

116th Regiment—Col. B. F. Russell.

22d Brigade.

48th Regiment—Col. Robert B. Clarke.
105th " " C. W. McDonald.
120th " " Commandant thereof.

23d Brigade.

3d Regiment—Col. Josiah Miller.
59th " " John Ashbrook.
60th " " John M. Larne.
102d " " Ab'm. Ashcraft.

25th Brigade—George W. Ruddell, Brigadier General.

13th Regiment—Col. William H. Hamilton.
30th " " Thomas Johnson.
58th " " Robert G. Lewis.
105th " " C. W. McDonald.
114th " " L. B. Kingkaid.

26th Brigade—John Payne, Brigadier General.

21st Regiment—Col. Thomas W. Hart.
28th " " James O'Neal.
104th " " Lewis W. Simpson.

28th Brigade—D. Downing, Brigadier General.

84th Regiment—Col. James Nickle.
111th " " Thomas W. Cochran.
112th " " H. Jackson.
118th " " D. W. Patton.
125th " " William B. Jenkins.
131st " " W. F. Dodds.

29th Brigade—Jacob Newkirk, Brigadier General.

1st Regiment—Col. James C. Davis.
33d " " George S. Whipps.
122d " " William McCauley.
132d " " Thomas Devan.

I have the honor to be, most respectfully,
Your ob't serv't,
A. W. DUDLEY, Q. M. G.

His Excellency, JAMES CLARK,
*Governor of Kentucky.*

C.

QUARTER MASTER GENERAL'S OFFICE,
SIR: *Frankfort, Ky., 1st Aug.* 1838.

The Law requires that I should make "diligent search and inquiry into the order and condition of the Public Arms," now loaned to Independent Companies in this State, as well as the "good and sufficient security" on bonds taken; and authorizes me to require your aid and assistance:

Therefore, you will report officially, (if a Field Officer, through your Brigadier General, and he to the Adjutant General,) before the 30th day of October, 1838, full replies to the following inquiries, to wit:

1st. Are the Public Arms in the bounds of your command, in good order?
2d. Are they kept in a "secure room or arsenal, prepared for that purpose," (mustering days excepted?)
3d. Are the "arms distributed among individuals?"
4th. Who gave bond, for said arms?
5th. Who at present has charge of them?
6th. Is the Company who drew them, dissolved, or still in existence?

Most respectfully,

A. W. DUDLEY, Q. M. G.

P. S. You will please transmit, without delay, the enclosed Circulars to the Commandants of the Regiment attached to your Brigade. Q. M. G.

To Brig. Gen. —— ——.

[One sent to each of the 29 Brig. Generals by mail.]

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B.

QUARTER MASTER GENERAL'S OFFICE,
SIR: *Frankfort. Ky., Aug. 1st,* 1838.

The Law requires that I should make "diligent search and inquiry into the order and condition of the Public Arms," now loaned to Independent Companies in this State, as well as the "good and sufficient security," on bonds taken; and authorizes me to require your aid and assistance:

Therefore, you will report officially, (if a Field Officer, through your Brigadier General, and he to the Adjutant General,) before the 20th day of October, 1838, full replies to the following inquiries, to wit:

1st. Are the Public Arms in the bounds of your command, in good order?
2d. Are they kept in a "secure room or arsenal, prepared for that purpose," (mustering days excepted?)
3d. Are the "arms distributed among individuals?"
4th. Who gave bond for said arms?
5th. Who at present has charge of them?
6th. Is the Company who drew them, dissolved, or still in existence?

Most respectfully,

A. W. DUDLEY, Q. M. G.

To Col. ——, —— Reg't., —— Brigade.

[One of the above was sent to each of the 132 Colonels, through their Brigadier Generals.

*Ordered*, That said message and documents be referred to the committee on Military Affairs.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled,

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company,

Reported the same with an amendment, which was concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill to amend the law concerning weights and measures, reported the same with an amendment, which was concurred in.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Andrews—1. A bill to change the boundary of the 7th Brigade of the Kentucky Militia.

On the motion of Mr. Blair—2. A bill to establish the town of Hillsboro', in the county of Fleming.

On the motion of Mr. L. B. Smith—3. A bill for the benefit of Mary McPheters, a lunatic.

On the motion of Mr. Meriwether—4. A bill to amend the laws in relation to guardians, and wards, and administrators, and the settlement of their accounts.

On the motion of Mr. Hughes—5. A bill for the benefit of the Sheriff of Livingston county.

On the motion of Mr. B. E. Gray—6. A bill to allow an additional Justice of the Peace to the county of Logan.

On the motion of Mr. Gough—7. A bill to authorize the Trustees of the Brandenburg Academy to sell and convey a lot in the town of Brandenburg.

On the motion of Mr. Ballard—8. A bill to allow an additional Justice of the Peace for Oldham county.

On the motion of Mr. Swope—9. A bill to allow an additional Justice of the Peace to Pendleton county.

On the motion of Mr. Buford—10. A bill to regulate more effectually the retailing of spirituous liquors in this Commonwealth.

On the motion of Mr. Todd--11. A bill to change the name of Eloisa Rook, to that of Eloisa Marshall.

On the motion Mr. Dohoney—12. A bill to move the seat of government from Frankfort.

On the motion of Mr. Burden—13. A bill to complete the road leading from the mouth of Clover to Bowlinggreen.

On the motion of Mr. Trumbo—14. A bill to incorporate the Town of Wyoming, in the county of Bath.

On the motion of Mr. Ritter—15. A bill to establish the town of Frederick, in Barren county.

On the motion of Mr. Allen—16. A bill for the benefit of the heirs of Elijah Cumings, dec'd.

On the motion of Mr. Goodson—17. A bill to incorporate the Bank Lick Turnpike Road Company.

The committee on Military Affairs were ordered to prepare and bring in the 1st; the committee for Courts of Justice the 2d, 3d and 10th; Messrs. Meriwether, Pope and Slaughter the 4th; Messrs. Hughes, McElroy and Fox, the 5th; Messrs. B. E. Gray, Browder and Bailey, the 6th; Messrs. Gough, Wintersmith, Allen and Yates, the 7th; Messrs. Ballard, Root and O'Bannon, the 8th; Messrs. Swope, Newell and Reeves, the 9th; Messrs. Todd, Browder and S. H. Anderson, the 11th; Messrs. Dohoney, Ritter, McClure and Riffe, the 12th; Messrs. Burden, Todd, Allen and S. H. Anderson, the 13th; Messrs. Trumbo, Myers, Blair and Andrews, the 14th; Messrs. Ritter, Hardy and Howard, the 15th; Messrs. Allen, Wintersmith and Andrews, the 16th; and the committee on Internal Improvement, the 17th.

Mr. Trimble moved the following resolution, viz:

*Resolved*, That the committee four Courts of Justice be instructed to inquire whether any, and if any, what provision ought to be made by law to punish the owners and officers of steamboats, and the owners and drivers of stages, for running races, or permitting them to be run, by such steamboats or stages; and to make such *owners, officers and drivers*, liable for all damages that may accrue to passengers and others, by running races.

And further to inquire into the propriety of declaring, by law, that all policies of insurance hereafter made, shall be null and void, so far as the same contains clauses of insurance against the effects of steam, and the bursting of steam boilers.

Which being twice read, was adopted.

Mr. Wintersmith moved the following resolution, viz:

*Resolved*, That the Auditor of Public Accounts furnish this House, during the present week, with a detailed statement of the number of slaves in each county within this Commonwealth, as appears by the returns of the books of the commissioners of taxable property, in each of the years 1833, 1834, 1835, 1836, 1837 and 1838.

Which being twice read, was rejected.

Mr. Swope moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency and propriety of punishing, by confinement in the Penitentiary, any person who will maliciously shoot or kill stock; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Reeves moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of repealing, or so amending the 16th section of an act, entitled, an act to amend the revenue laws, approved December 23, 1831, as requires the owners of slaves hired out, to list the same with the comissioner, for taxation, so far at least as respects the slave property of minors, hired out of the State.

Which being twice read, was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill for the benefit of the estate of Edmund Hall, dec'd.

By same—2. A bill authorizing Thomas Bratcher to build a mill dam across Caney creek.

By same—3. A bill to amend the charter of the Lexington and Covington Turnpike Road Company.

By the committee on Propositions and Grievances—4. A bill to reduce the bounds of the town of Brownsborough.

By same—5. A bill to authorize the Trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off.

By same—6. A bill for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., dec'd.

By same—7. A bill to change a part of the State road from Brandenburg to Bowlinggreen.

By Mr. Morehead—8. A bill for the benefit of the Sheriffs of Franklin and Woodford counties.

By Mr. A. Anderson—9. A bill to preserve the original manuscript of the annual messages of the Governors of this State.

By Mr. Pirtle—10. A bill to amend an act to establish a ferry across the Ohio river at Paducah.

By Mr. Hopkins—11. A bill to abolish certain streets and parts of streets in the town of Canton, in Trigg county.

By Mr. Shanklin—12. A bill for the benefit of Thomas J. Brown.

By Mr. Browder—13. A bill to incorporate the Trustees of the Rock Spring Church.

By Mr. Apperson—14. A bill to reduce into one, the several attachment

laws, and for settling the proceedings on attachments against absconding debtors.

By Mr. McClure—15. A bill for the benefit of Enoch Yantis.

By Mr. White—16. A bill to change the time of the meeting of the General Assembly.

By Mr. Sutton—17. A bill to give Justices of the Peace, jurisdiction in cases of trespass and trespass on the case where the damages are laid to five pounds or under.

By Mr. Bledsoe—18. A bill to incorporate the Paris Life, Fire and Marine Insurance Company.

By same—19. A bill to authorize the sale of a house and lot belonging to the heirs of Jacob Lyon, a man of color.

By Mr. Trumbo—20. A bill supplementary to an act, approved 12th February, 1838, for the benefit of Isaac Young.

By Mr. Thomas—21. A bill for the benefit of John W. Flora.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 17th, 18th, 19th, 20th and 21st bills having been dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 20th and 21st, were severally ordered to be engrossed and read a third time; the 12th was committed to the committee on Claims; the 14th, 17th, 18th and 19th to the committee for Courts of Justice, and the 15th to Messrs. McClure, Goodson and White.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 20th and 21st bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bullock, from the committee appointed to prepare and bring in the same, reported a bill to amend the duelling law.

Which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

A bill from the Senate, entitled, an act for the benefit of the Sheriff of Adair county,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

*Ordered*, That said bill be referred to the committee on Ways and Means.

Mr. Coffey, from the committee appointed to prepare and bring in the

same, reported a bill to reduce the salaries of certain officers in this Commonwealth.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Butler moved to refer said bill to the committee on Internal Improvement.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Coffey and Ellison, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Dorton, | Reeves, |
| Andrews, | Field, | Rodes, |
| Bailey, | Goble, | Rudd, |
| Basye, | Goodson, | Shanklin, |
| Blair, | Graham, | Slaughter, |
| Bledsoe, | Gray, B. E. | Smith, I. |
| Bradshaw, | Gray, N. E. | Smith, L. B. |
| Brooks, | Hardy, | Swope, |
| Browder, | Hopkins, | Taggart, |
| Bullock, | Hughes, | Thornburg, |
| Butler, | Johnson, | Todd, |
| Coleman, | Marshall, | Trimble, |
| Cofer, | McElroy, | Trumbo, |
| Combs, | Meriwether, | Waddle, |
| Daviess, | Myers, | Walker, |
| Dohoney, | Newton, | Wintersmith—48. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Finn, | Newell, |
| Messrs. Allen, | Fox, | Pirtle, |
| Anderson, S. H. | Gough, | Purdy, |
| Apperson, | Haggard, | Redd, |
| Ballard, | Harris, | Riffe, |
| Bodine, | Heady, | Ritter, |
| Bradley, | Howard, | Root, |
| Buford, | Jasper, | Rowlett, |
| Buckner, | Lecompte, | Royston, |
| Burden, | McBrayer, | Sharpe, |
| Clay, | McClung, | Sutton, |
| Coffey, | McClure, | Thomas, |
| Cornish, | McFall, | Wade, |
| Edmonson, | Mims, | White, |
| Ellison, | Morehead, | Yates—45. |

The House then resolved itself into a committee of the whole on the bill to establish the Southern Bank of Kentucky, Mr. Buckner in the chair; and

after some time spent therein, the Speaker resumed the chair; when Mr. Buckner reported that the committee had, according to order, had under consideration, the bill aforesaid; and had made some progress therein, and not having time to go through with the same, had instructed him to ask leave to sit again—which was granted.

And then the House adjourned.

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## TUESDAY, JANUARY 8, 1839.

1. Mr. Reeves presented the petition of sundry citizens of the county of Todd, praying the passage of a law upon the subject of head right claims to land.

2. Also, the petition of Joseph R. Perkins, and Mary P. Perkins, his wife, praying the passage of a law authorizing a sale of certain real estate, descended to the said Mary P. Perkins, from her father, John Gray, dec'd.

3. Mr. Pirtle presented the petition of sundry citizens of Graves, Calloway and McCracken counties, praying the establishment of a State road from Paducah to the Tennessee line, in a direction to Paris.

4. Mr. Brooks presented the petition of sundry citizens and the Trustees of the town of Augusta, in Bracken county, praying to be exempted from working on public roads.

5. Mr. S. H. Anderson presented the petition of Wm. Gilpin and wife, and Samuel McGuire, their trustee, praying the passage of a law authorizing the said trustee to exchange certain lands held by him, for others.

6. Mr. Cofer presented the petition of sundry citizens of Hardin, praying the passage of a law repealing the act authorizing a sale of the Poor House, in said county.

7. Mr. Goble presented the petition of sundry citizens of Lawrence county, praying a change of the place of voting, in an election precinct in said county.

8. Mr. Rudd presented the petition of Matthew Elder, committee for Sarah Jamison, an idiot, who is now dec'd., praying the passage of a law allowing him compensation for taking care of said idiot in her life time.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 5th to the committee for Courts of Justice; the 2d to Messrs. Reeves, Field, Hopkins, N. E. Gray and B. E. Gray; the

3d to Messrs. Pirtle, Wade and McFall; the 4th to the committee on Propositions and Grievances; the 6th to the committee on Religion; the 7th to the committee on Privileges and Elections, and the 8th to the committee on Ways and Means.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to incorporate the Town of Francisburg, in the county of Union.

An act for the benefit of Mary Kimes.

An act allowing further time to enter and survey Kentucky land warrants, and to return plats and certificates of survey.

An act for the benefit of Henry G. A. Blankman.

An act for the benefit of Keziah Craycraft,

An act to amend the charter of Centre College.

An act to change the name of Green Ruby that of Green Kerley.

An act to amend the charter of St. Joseph's College.

An act for the benefit of Adam R. Walker.

An act to extend the powers of the Trustees of the town of Burksville.

With an amendment to the five last named bills.

And the passage of bills which originated therein, of the following titles, viz:

An act to authorize the Clerk of Trigg county to record certain deeds.

An act for the benefit of Joseph Allen.

An act for the benefit of the heirs of John C. Self.

An act to change the time of holding the Green Circuit Court.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

An act for the divorce of Sarah Jane Phelps.

An act for the benefit of John Hollingsworth.

And an act for the benefit of Joseph Dawson.

And had concurred in the amendment proposed by this House, to a bill from that, entitled, an act for the benefit of the Sheriffs of Owen and Butler counties.

The Speaker laid before the House, the response of the Northern Bank of Kentucky, to the resolutions adopted by this House on the 4th inst., which is as follows, viz:

NORTHERN BANK OF KENTUCKY,
*Lexington, Jan.* 7, 1839.

SIR:

The undersigned, committee of the Northern Bank of Kentucky, appointed to respond to the communication from the House of Representatives of the Commonwealth of Kentucky, bearing date January 4, 1839, present

Exhibit A, as containing a full statement of the requisitions of the first resolution.

In regard to the third resolution, upon examination of the return of the agency of this bank at New York, four hundred shares of the stock of this bank, paid in full, were transferred to the Commissioners of the Sinking Fund of the State of Kentucky; fifty shares were transferred, on the books of the parent bank, by N. B. Buford, on the 17th Sept. 1838, to the Commissioners of the Sinking Fund, which were subsequently transferred by the Secretary and Treasurer of said Commissioners, to their credit, at the agency of this bank in New York. The remaining three hundred and fifty shares were transferred from the Philadelphia agency to the New York agency; but it does not appear, from the report of said agency, the time the transfers were made, or from whom they were purchased.

All of which is respectfully submitted.

BENJ. GRATZ,
WALLER BULLOCK,
CHARLES C. MOORE,
} *Committee.*

*To the Hon. Speaker of the*
*House of Representatives*
*of the Commonwealth of Kentucky.*

EXHIBIT A.

*J. M. Bullock, Esq., Sec'y., &c., Sinking Fund, with Northern Bank of Ky.*

| | | | Dr. |
|---|---|---|---|
| 1837. | | | |
| July 20, | To check fav. Cashier Frankfort Br. Bk. of Ky. | | $127,810 37 |
| 1838. | | | |
| Jan. 15, | To postages, | | 3 50 |
| Feb. 8, | To check, fav. E. H. Taylor, | | 15,007 60 |
| Sep. 17, | To do. fav. Stock, | | 4,959 37 |
| Oct. 13, | To do. fav. President Northern Bank, | | 4,822 50 |
| Oct. 20, | To do. fav. President Bank Kentucky, | | 6,000 00 |
| Nov. 10, | To do. fav. J. Tilford, President, | | 2,298 00 |
| Dec. 31, | To Interest $100,000 Internal Improvement Bonds, | | 2,500 00 |
| | Balance, | | 6,111 63 |
| | | | $169,512 97 |

| | | | Cr. |
|---|---|---|---|
| 1837. | | | |
| July 20, | By check, J. Davidson, Treasurer, | | $100,000 00 |
| | By check, same, | | 15,000 00 |
| 1838. | | | 12,810 37 |
| Jan'y 15, | By deposit, by J. Tilford, | | 11 10 |
| Feb'y 5, | By check, J. Davidson, Treasurer, | | 15,000 00 |
| Sept'r 5, | By check, same, | | 7,500 00 |
| | Amount carried forward, | | $150,321 47 |

| | | |
|---|---|---|
| Amount brought forward, | | $150,321 47 |
| 1838. | | |
| Sept'r 5, By check, same, | | 13,754 00 |
| Oct. 11, By check, J. Clark, Governor, | | 2,250 00 |
| 13, By check, same, | | 187 50 |
| Nov. 20, By check, same, | | 1,500 00 |
| Dec. 19, By check, same, | | 1,500 00 |
| | | $169,512 97 |
| 1839. Jan. 1, By balance, | | $6,111 63 |

*Northern Bank of Kentucky,*
Lexington, 7th Jan. 1839.

M. T. SCOTT, *Cashier.*

*Ordered*, That the same be referred to the select committee who were appointed to prepare and bring in a bill to amend an act, entitled, an act to establish a Sinking Fund.

Mr. Bledsoe, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Smithland, and the petition of Wm. Radford—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected.

Which being twice read, was concurred in.

Mr. Bnckner, from the committee for Courts of Justice, to whom was referred a bill for the benefit of the heirs of John Breathitt—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Buckner, from the same committee, to whom was referred a bill from the Senate, entitled,

An act for the benefit of Matthew Read, and the infant children of Sam'l M. Smith, dec'd.,

Reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Bledsoe, from the committee on Propositions and Grievances, who were appointed to prepare and bring in the same, reported a bill to authorize the Trustees of Paris to sell a certain lot and street therein.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third

readings of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Nelson Dyer.

Which was granted, and the same accordingly withdrawn.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill to establish a new Judicial District, and for other purposes—reported the same without amendment. And after some discussion had thereon, the hour of 12 o'clock having arrived, the House proceeded to the consideration of the orders of the day.

The House then resolved itself into a committee of the whole, upon the bill to establish the Southern Bank of Kentucky—Mr. Harris in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. Harris reported that the committee had, according to order, had under consideration the bill aforesaid, and had made sundry amendments thereto; which he handed in at the Clerk's table.

On motion of Mr. S. H. Anderson,

*Ordered*, That said bill, with the amendments, be recommitted to the select committee who were appointed to prepare and bring in the same.

*Ordered*, That Messrs. S. H. Anderson and Todd, be added to said committee.

Bills from the Senate, of the following titles, viz:

1. An act to amend an act, entitled, an act for the benefit of Wm. Butler, Clerk of the Monroe County Court, approved 5th January, 1839.
2. An act for the benefit of Samuel Ingram, late Sheriff of Marion county.
3. An act giving Sheriffs further time to return their delinquent lists of revenue tax for 1838.
4. An act for the benefit of John Hollingsworth.
5. An act to incorporate the Kentucky and Louisville Mutual Insurance Company.
6. An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.
7. An act to change the time of holding the Green Circuit Court.
8. An act for the benefit of the heirs of John C. Self.
9. An act for the benefit of Joseph Allen.
10. An act to authorize the Clerk of Trigg county to record certain deeds.
11. An act for the benefit of Joseph Dawson.
12. An act for the divorce of Sarah Jane Phelps,

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d and 9th were referred to the committee on Ways and Means; the 4th, 5th, 6th, 7th, 8th and 10th to the committee for Courts of Justice; the 11th to the committee on Propositions and Grievances, and the 12th to the committee on Religion.

On motion of Mr. Thornburg—Leave was given to bring in a bill to provide for the erection of a bridge across Red river, on the road leading from Winchester to Irvine.

*Ordered*, That the committee on Internal Improvement prepare and bring in the same.

On motion of Mr. Rodes,

*Ordered*, That the report of the commissioners of the Lunatic Asylum be referred to the committee on Education.

And then the House adjourned.

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## WEDNESDAY, JANUARY 9, 1839.

1. Mr. S. H. Anderson presented the petition of John Orr, praying the passage of a law authorizing the admission of his two children, Andrew and Caroline Orr, into the Deaf and Dumb Asylum, at Danville.

2. Mr. Trumbo presented the petition of sundry citizens of the town of Wyoming, in Bath county, praying the passage of a law allowing an additional Justice of the Peace to said county.

3. Mr. Waddle presented the petition of sundry citizens of Mason county, praying the establishment of an Independent Bank in the city of Maysville.

4. Also, the petition of Sarah McGinnes, praying the passage of a law dissolving the marriage contract existing between her and her husband, or to permit her to hold property in her own name, and not subject to the present or future debts of her husband.

5. Mr. McClung presented the petition of sundry citizens of the town of Dover, in the county of Mason, praying the passage of a law authorizing the Trustees of said town to license coffee houses, &c,

6. Mr. Waddle presented the petition of sundry citizens of the town of Mayslick, in the county of Mason, praying an amendment to the law in relation to Constables.

7. Mr. I. Smith presented the petition of sundry citizens of the town of Bowlinggreen, praying an extension of the limits of said town.

8. Also, the remonstrance of sundry citizens of the county of Warren, against the prayer of said petition.

9. Mr. Gano presented the petition of the Commissioners and other citizens of Scott county, praying an increase in the allowance made to the Clerks of the Circuit and County Courts of said county, for copying the records and papers in their offices.

10. Mr. Rowlett presented the petition of sundry citizens of Grant county, praying to be added to the county of Owen.

11. Mr. Pope presented the petition of sundry citizens of Jefferson county, praying that the act requiring the draining of ponds in said county, may be so amended as to relieve them from the operation thereof.

12. Mr. Gano presented the petition of the Board of Internal Improvement, and others, of Scott county, in behalf of Ambrose Wickersham, praying the passage of a law allowing to said Wickersham, additional compensation for work done on the Frankfort, Georgetown and Paris Turnpike Road.

13. Mr. Ellison presented the petition of John M. Emmerson, praying for a divorce from his wife Mary.

14. Mr. Harris presented the petition of Matthew McClure, heir at law of John Carey, dec'd., (with other documents,) praying the passage of a law authorizing him to sell, for himself and the other heirs of said Carey, a certain lot in the city of Lexington.

15. Mr. Goble presented the petition of sundry citizens of Lawrence county, praying the appointment of Commissioners, and an extension of the time of taking the stock in the Poplar Plains and Louisa Turnpike Company.

16. Mr. Ellison presented the petition of sundry citizens of Cumberland county, praying for the establishment of a Bank, south of Green river.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Education; the 2d, 4th and 6th, to the committee for Courts of Justice; the 3d to the committee on Banks; the 5th to the committee on Ways and Means; the 7th, 8th, 10th and 11th, to the committee on Propositions and Grievances; the 9th to the committee on Claims; the 12th and 15th to the committee on Internal Improvement; the 13th to the committee on Religion; the 14th to Messrs. Harris, Goble and L. B. Smith, and the 16th to the select committee to whom was referred the bill to establish the Southern Bank of Kentucky.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, a bill for the benefit of John Black.

The passage of bills from this House, of the following titles, viz:

An act for the benefit of Henry Clay, Jr.

An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties.

An act to allow additional Constables to the counties of Spencer and Calloway.

An act to establish the town of Pleasant Hill, in Calloway county.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

An act to change the names of James Jamison and George Rook.

An act for the benefit of John Cobb, Hezekiah Willis, Perry Waters and Shepherd Burch.

And the passage of bills from the Senate, of the following titles, viz:

An act for the benefit of the estate of Leonard Hamilton, dec'd.

An act giving Harris W. Thornton, late Deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

An act for the benefit of Anderson Dunn and Isaac Hemingway.

An act for the benefit of the Sheriff of Green county.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson.

An act to incorporate the Louisville Law Library Company.

And an act giving officers, and crew, and mechanics, and others, a lien on steamboats.

Mr. S. H. Anderson presented the memorial of the President of the Louisville, Cincinnati and Charleston Rail Road Company, and of the President of the South Western Rail Road Bank; which was received and read, and referred to the committee of the whole for this day.

The House again resumed the consideration of the bill to establish a new Judicial District, and for other purposes.

Mr. Wade moved to recommit the bill and amendments to the committee for Courts of Justice, with instructions to inquire into the propriety of so arranging the Judicial Districts in this Commonwealth, as to give each Circuit Judge, as near as possible, an equal proportion of business.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wade and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goble, | Redd, |
| Apperson, | Graham, | Riffe, |
| Bradley, | Gray, N. E. | Ritter, |
| Burden, | Hardy, | Rowlett, |
| Coffey, | Heady, | Shanklin, |
| Cornish, | Howard, | Smith, I. |
| Daviess, | Hughes, | Swope, |
| Dohoney, | Lecompte, | Taggart, |

| | | |
|---|---|---|
| Dorton, | McClure, | Thomas, |
| Edmonson, | McElroy, | Wade, |
| Finn, | Newell, | Walker—37. |
| Fox, | Pirtle, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Myers, |
| Messrs. Allen, | Field, | O'Bannon, |
| Anderson, S. H. | Gano, | Pope, |
| Andrews, | Goodson, | Purdy, |
| Ballard, | Gough, | Reeves, |
| Basye, | Haggard, | Rodes, |
| Blair, | Harris, | Root, |
| Bledsoe, | Hopkins, | Royston, |
| Bodine, | Jasper, | Sharpe, |
| Bradshaw, | Johnson, | Slaughter, |
| Brooks, | Latimer, | Smith, L. B. |
| Browder, | Marshall, | Sprigg, |
| Buford, | McBrayer, | Sutton, |
| Bullock, | McClung, | Thornburg |
| Buckner, | McFall, | Trumbo, |
| Butler, | Meriwether, | Waddle, |
| Clay, | Mims, | White, |
| Coleman, | Morehead, | Wintersmith, |
| Cofer, | Morris, | Yates—58. |
| Combs, | | |

The first section of said bill was then read, as follows, viz:

SEC. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That there shall be established, an additional Judicial District in this Commonwealth, which shall be styled the Seventeenth Judicial District, composed of the counties of Anderson, Franklin, Woodford and *Shelby;* and that a Circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess the same powers, and receive the same emoluments, that are now allowed by law to other Circuit Judges and Commonwealth's Attornies of this State.

Mr. Bullock then moved to amend said section, by striking out the word "Shelby," and inserting in lieu thereof, the word "Owen,"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required on the adoption thereof, by Messrs. Sprigg and Bullock, were as follows:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Ellison, | McFall, |
| Andrews, | Field, | Morehead, |
| Apperson, | Gano, | Newton, |
| Ballard, | Goble, | O'Bannon, |
| Basye, | Gough, | Pope, |

| | | |
|---|---|---|
| Bledsoe, | Graham, | Reeves, |
| Bodine, | Gray, N. E. | Ritter, |
| Bradley, | Haggard, | Rowlett, |
| Bradshaw, | Hardy, | Sharpe, |
| Brooks, | Hopkins, | Slaughter, |
| Bullock, | Howard, | Smith, I. |
| Buckner, | Johnson, | Taggart, |
| Butler, | Latimer, | Trumbo, |
| Clay, | Lecompte, | Waddle, |
| Cofer, | McClung, | Walker, |
| Combs, | McClure, | Wintersmith, |
| Cornish, | McElroy, | Yates—51. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Harris, | Rodes, |
| Messrs. Anderson, A. | Heady, | Root, |
| Anderson, S. H. | Hughes, | Rowan, |
| Blair, | Jasper, | Royston, |
| Browder, | Marshall, | Rudd, |
| Buford, | McBrayer, | Shanklin, |
| Burden, | Meriwether, | Smith, L. B. |
| Coleman, | Mims, | Sprigg, |
| Coffey, | Morris, | Sutton, |
| Daviess, | Myers, | Swope, |
| Dohoney, | Newell, | Thomas, |
| Dorton, | Pirtle, | Thornburg, |
| Edmonson, | Purdy, | Todd, |
| Finn, | Redd, | Wade, |
| Fox, | Riffe, | White—46. |
| Goodson, | | |

The hour of 12 o'clock having arrived, the House then proceeded to the consideration of the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Field in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Ckarleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the speaker resumed the chair; when Mr. Field reported that the committee had, according to order, had under consideration, the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
*Fankfort, January 9th*, 1839.

*Gentlemen of the Senate*
*and House of Reprentatives:*

I have received the preamble and resolution of the Legislature of the State of South Carolina, in relation to the Louisville, Cincinnati and Charlestown Railroad Company, providing for the appointment of a special commissioner, on the part of that State, to the State of Kentucky, for the purpose of procuring the aid and co-operation of Kentucky in the accomplishment of the enterprise; and a letter from his Excellency, the Governor of South Carolina, informing me of the appointment of C. G. Memminger, Esq., by virtue of the accompanying resolution, as the special comissioner; also, a letter from C. G. Memminger, Esq.—all of which are herewith transmitted.

You will doubtless afford to the commissioner, every facility in your power, in the execution of his mission, and extend to him all that courtesy due from one State to the delegated agent of another.

JAS. CLARK.

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FRANKFORT, JANUARY 9, 1839.

SIR:

Herewith I forward you certain documents from the State of South Carolina, informing you that I have been deputied as a special commissioner, to make such explanations to the public authorities of the State of Kentucky, as may induce their co-operation in completing the great railroad which is to unite the South with the waters of the Ohio river. With a view to carry out the object of my mission, permit me, sir, respectfully to tender to you, and through you, to the Legislature of the State over which you preside, either personally or otherwise, such explanations of the subjects involved, as it may suit their or your convenience to receive. It will afford me the greatest pleasure to appear before any of the public authorities, for these purposes, at any time that may be designated.

Be pleased to accept for yourself, personally, my assurances of high consideration and respect, and to hope for your own co-operation and aid in promoting the important enterprise in which we are engaged.

With much respect,
Your obedient servant,
C. G. MEMMINGER.

His Excellency, JAMES CLARK,
*Governor of the State of Kentucky, Frankfort.*

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EXECUTIVE DEPARTMENT,
*Columbia, S. C. December* 19, 1838.

SIR:

I have the honor to inform you that a resolution has been adopted by the Legislature of South Carolina, of which the enclosed document is a copy, and to announce to your Excellency, that in pursuance of the authority which

it vests in me, I have appointed C. G. Memminger, Esq., "a special commissioner, on the part of this State, to proceed to the State of Kentucky, for the purpose of making such explanations, and taking such measures, as may fully apprize the public authorities of that State of the great interests involved, and procure, if possible, their aid and co-operation."

I beg permission to make known to your Excellency, that South Carolina feels an abiding and deep interest in the success of the application to the Legislature of Kentucky for the grant of banking powers to the South Carolina and Charleston Railroad Company, believing, as she does, that the privilege is vitally essental and conducive to the achievement of the important enterprize, on which she, in common with all the States of Kentucky, Tennessee and North Carolina, is embarked. South Carolina cherishes the sanguine hope that Kentucky will concur with her in the expediency of granting the application, and co-operate with her, by the adoption of a measure which recommends itself to the most favorable consideration, by the efficient aid which it will contribute towards the attainment of our common purpose.

I have the honor to be,
With assurances of great respect,
Your Excellency's most ob't., serv't.,
PATRICK NOBLE.

His Excellency, JAMES CLARK,
*Governor of Kentucky.*

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WHEREAS, The State of South Carolina is deeply sensible of the great advantages to be derived by the people of the various States which have incorporated the Louisville, Cincinnati and Charleston Railroad Company, and as an earnest of her own determination to assist in accomplishing the great work undertaken by this company, has pledged, towards its completion, a large portion of her resources, and has granted banking privileges to the stockholders in all the States of Kentucky, Tennessee, North and South Carolina: *And, whereas,* it is deemed of essential importance to the final success of the work, that these privileges should be confirmed, and that co-operation should be afforded by all the States through whose territories the railroad is to be constructed; and more especially by the State of Kentucky, whose products to the amount of several millions are purchased by our citizens, and whose cordial assistance would insure a successful accomplishment of the enterprize:

*Be it therefore resolved by the Senate and House of Representatives of the State of South Carolina,* That the Governor be authorized and requested, forthwith to appoint a special commissioner, on the part of this State, to proceed to the State of Kentucky, for the purpose of making such explanations, and taking such measures, as may fully apprise the public authorities of that State, of the great interests involved, and procure, if possible, their aid and co-operation.

I hereby certify that this preamble and resolution were agreed to in the House of Representatives, 17th December, 1838; and concurred in and returned by the Senate, 18th December, 1838.

T. W. GLOVER, *C. H. R.*

JACOB WARLEY, *Clerk of the Senate.*

*Ordered*, That the same be referred to Messrs. S. H. Anderson, Trimble, Mims, Gano and Andrews.

Mr. Trimble moved the following resolutions, viz:

*Resolved*, That the Commissioner from the Legislature of the State of South Carolina, be invited to take a seat within the Hall of the House of Representatives.

*Resolved*, That a committee be appointed to inform said Commissioner of the passage of the foregoing resolution.

Which being twice read, was adopted.

*Ordered*, That Messrs. Trimble, Buckner and Hardy, be appointed a committee, in pursuance of said resolution.

And then the House adjourned.

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## THURSDAY, JANUARY 10, 1839.

The Speaker laid before the House, the report of the Bank of Kentucky, in response to the resolutions adopted on the 4th inst., which is in the following words, viz:

BANK OF KENTUCKY,
*Louisville, January* 7, 1839.

SIR:

I have this day had the honor to receive a copy of certain resolutions of the House of Representatives, under date 4th inst.

In answer to the first resolution, I beg leave to hand you the enclosed account, between the Commissioners of the Sinking Fund and this Bank, which embraces all the information sought for.

The second question will be answered by the Frankfort Branch of the Bank of Kentucky.

This Bank is unable to give any information in answer to the third resolution. No stock, standing on the books of the bank, here, has been purchased by, or transferred to, the Commissioners of the Sinking Fund. Very little stock in this bank, is held by citizens of this State; nor do I know of any that could have been purchased for less than its *par value;* all purchases made for account of the Commissioners, were consequently made in New York or Philadelphia, through the agency of a broker; the transfers of such

purchases were made at the several agencies of this bank, at those places; and I am not advised of either the name or residence of the persons from whom said stock was purchased, or of the time when such transfers were made.

I would beg leave, in conclusion, to add, that any information within my knowledge, can be obtained by application to the Secretary of the Commissioners of the Sinking Fund.

Very respectfully,
Your obe'd serv't.,
W. H. POPE, *President.*

HON. R. P. LETCHER,
*Speaker of the House of Representatives.*

*Commissioners of Sinking Fund, account with Bank of Kentucky, Louisville.*

| 1837. | | Dr. |
|---|---|---|
| July 17, | To J. M. Bullock, Sec'y., c'k in fav. E. H. Taylor, - | $939 34 |
| 22, | To J. M. Bullock, Secretary, check in favor of James Davidson, Treasurer, - - - - - - | 30,000 00 |
| 1838. | | |
| May 11, | To J. M. Bullock, Secretary, check to C. S. Morehead, Pres't Board of Internal Improvements, | 160,40 75 |
| Sept. 4, | To J. M. Bullock, check to pay interest on Internal Improvement Bonds, - - - - - | 3,750 00 |
| Oct. 10, | To J. M. Bullock, check in favor of Bank of Kentucky, to increase State Stock, - - - | 259,56 40 |
| 15, | To do. check in favor of Northern Bank, - - | 17,000 00 |
| 18, | To do. check in favor of Pres't Bank of Kentucky, - | 10,072 50 |
| Dec. 31, | To interest on Bonds of Board of Int. Improvement, | 6,750 00 |
| | To Balance, - - - - - - - - - | 3,578 80 |
| | | $114,087 79 |

| 1837. | | Cr. |
|---|---|---|
| June 10, | By check of J. Davidson, Tr., in fav. J. M. Bullock, | $30,939 34 |
| 1838. | | |
| April 2, | By deposit by Wm. H. Pope, - - - - | 16,040 75 |
| July 5, | By surplus dividend, after paying int. on State Bonds, | 33,591 54 |
| Sept. 5, | By check of James Davidson, Treasurer, in favor of J. M. Bullock, - - - - - - - | 23,213 04 |
| Oct. 13, | By check of Gov. Clark, - - - - - | 8,803 12 |
| 19, | By check of do. - - - - - - | 1,500 00 |
| | | $114,087 79 |
| Dec. 31, | By balance, - - - - - - - - | $3,578 80 |

*Bank of Kentucky*, Dec. 31, 1838.

*Ordered*, That the same be referred to the select committee appointed to prepare and bring in a bill to amend the act establishing a Sinking Fund.

Mr. S. H. Anderson moved the following resolution:

*Resolved*, That the House of Representatives will, on Friday the 11th instant, at 11 o'clock, A. M., receive and hear C. G. Memminger, the special commissioner, from the State of South Carolina, at the bar of the House.

*Resolved*, That the Senate be invited to take seats within the Hall of the House of Representatives at that time.

Which being twice read, was adopted.

*Ordered*, That Mr. A. Anderson inform the Senate thereof.

Mr. Coffey presented the memorial of sundry citizens of Wayne county, asking a Charter for the Southwestern Rail Road Bank, and for a Bank south of Green river, and the location of a branch thereof in the town of Monticello.

Which was received and read, and referred to the select committee to whom was referred a bill to establish the Southern Bank of Kentucky.

A message was received from the Senate, by Mr. Wickliffe, informing this House that the Senate would, on to-morrow, at 11 o'clock, A. M., as an organized body, attend in the Hall of the House of Representatives, and receive any information which the Commissioner from the State of S. Carolina might feel disposed to make, in relation to the Louisville, Cincinnati and Charleston Rail Road Company.

Mr. Shanklin, from the joint committee on Enrollments, reported that the commitee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Keziah Craycraft.

An act for the benefit of Henry G. A. Blankman.

An act for the benefit of Mary Kimes.

An act allowing further time to enter and survey Kentucky land warrants, and to return plats and certificates of survey.

An act to incorporate the Town of Francisburg, in the county of Union.

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Sheriff of Calloway county.

An act for the benefit of the Sheriff of Clay county.

An act for the benefit of the Sheriff of Muhlenburg county.

An act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.

An act abolishing an election precinct in Casey county.

An act to establish an election precinct in the county of Allen.

An act for the benefit of Willie Sugg.

An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act for the benefit of the heirs and representatives of Eliza Murray, dec'd.

An act to allow an additional Constable in the county of Logan.

An act to allow an additional Justice of the Peace to the county of Clay.

An act to allow additional Constables to the counties of Spencer and Calloway.

An act for the benefit of Henry Clay, Jr.

An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties

An act to establish the town of Pleasant Hill, in Calloway county.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

An act to change the name of James Jamison and George Rook.

An act for the benefit of John Cobb, Hezekiah Willis, Perry Watters and Shepherd Burch.

An act for the benefit of Matthew Read, and the infant children of Sam'l M. Smith, dec'd.

An act for the benefit of the Sheriffs of Owen and Butler counties.

An act to continue in force, an act to allow the Independent Banks of this Commonwealth further time to collect and settle their concerns—approved January 4, 1836, and for other purposes.

An act providing that certain legacies and devises shall not lapse.

An act for the benefit of the Sheriff of Lawrence county.

A resolution giving the members of the Board of Internal Improvement the use of the books in the Public Library.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act for the benefit of Jeremiah K. Sullivan.

An act to authorize the Register to receive and register certain surveys made in the year 1838.

And the passage bills from this House, of the following titles, viz:

An act to amend an act to establish a ferry across the Ohio river, at Paducah.

An act supplementary to an act approved 12th February, 1838, for the benefit of Isaac Young.

An act for the benefit of John W. Flora.

An act for the benefit of George O. Stovall.

An act to reduce the bounds of the town of Brownsborough.

An act to authorize the Trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so strickenoff.

An act concerning the Meade Circuit Court.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., dec'd.

With an amendment to the latter bill.

The Speaker laid before the House the report of the Branch Bank of Kentucky, at Frankfort, in response to the resolutions adopted on the 4th inst., which is as follows, viz:

BRANCH BANK OF KENTUCKY,
*Frankfort, Jan.* 10, 1839.

*To the Hon.* R. P. LETCHER,
*Speaker of the House of Representatives:*

In obedience to the resolutions of the House of Representatives of the 4th inst., this morning handed me, I submit, herein, a copy of the account of the Commissioners of the Sinking Fund with this office, to the 31st ult., which will exhibit all the information this office affords, in relation to the transacons of said Commissioners.

Very respectfully,
Your obedient servant,
E. H. TAYLOR, *Cashier.*

*Commissioners of the Sinking Fund, in account with the Frankfort Br. Bk.*

| | | Dr. |
|---|---|---|
| 1836. | | |
| Dec. 20, | To check, J. M. Bullock, Secretary, - - | $2,525 50 |
| 27, | To check to Northern Bank Kentucky, - - | 2,500 00 |
| 30, | To check to Bank of Kentucky, - - - | 3,750 00 |
| 1837. | | |
| Jan'y 24, | To check to J. Tilford, President, - - - | 22,500 00 |
| Mar. 10, | To check to Bank of Louisville, - - - | 610 00 |
| April 14, | To check of J. M. Bullock, Secretary, - - | 5,000 00 |
| 15, | To check to R. J. Ward, - - - | 12,500 00 |
| May 8, | To check to J. Tilford, - - - - | 25 00 |
| 8, | To check to J. S. Snead, - - - - | 50 00 |
| 8, | To check to W. H. Pope, - - - | 11 50 |
| 8, | To check to J. I. Jacobs, - - - | 12 00 |
| 20, | To check to Bank of Louisville, - - - | 20,184 23 |
| 23, | To check to Northern Bank Kentucky, - - | 116,643 55 |
| 30, | To check to Bank of Kentucky, - - - | 142,154 95 |
| 30, | To check to Treasurer Int. Improvement, - | 221,017 27 |
| June 9, | To check of J. M. Bullock, Secretary, - - | 352 74 |
| 10, | To check to J. Tilford, - - - | 5 00 |
| 10, | To check to W. H. Pope, - - - | 12 00 |
| 10, | To check to A. C. Keenon, - - - | 11 00 |
| 23, | To check to President Northern Bank, - - | 2,062 50 |
| July 3, | To check to J. M. Bullock, - - - | 51 37 |
| 10, | To check to Bank of Kentucky, - - - | 3,750 00 |
| 19, | To check to C. H. Julian, - - - | 21 50 |
| Aug. 9, | To check of J. M. Bullock, Secretary, - - | 114 18 |
| | Amount carried forward, - - - - - | $555,864 39 |

| | | |
|---|---|---|
| | Amount brought forward, - - - - - | $555,864 39 |
| | 1837. | |
| Sept'r 4, | To check to W. H. Pope, - - - | 10 00 |
| 4, | To check to J. Tilford, - - - - | 5 00 |
| Oct'r 2, | To check to J. Davidson, Treasurer I. I. - - | 200,000 00 |
| 2, | To check to Northern Bank Kentucky, - - | 78 00 |
| Dec'r 15, | To check to J. Tilford, - - - - | 6 00 |
| 18, | To check of J. M. Bullock, Secretary, - - | 15 00 |
| 27, | To check same, - - - | 375 00 |
| 27, | To check same, - - - | 5,480 00 |
| 29, | To check to Bank of Kentucky, - - - | 3,750 00 |
| | 1838. | |
| Jan'y 1, | To check to Northern Bank Kentucky, - - | 2,500 00 |
| 27, | To check to E. J. Winter, - - - | 1,275 00 |
| Feb'y 27, | To check to J. S. Snead, - - - | 12 00 |
| 27, | To check to J. Tilford, - - - - | 15 00 |
| March 9, | To check to Northern Bank Kentucky, - - | 48,000 00 |
| 12, | To check to Board of Education, - - | 22,947 77 |
| May 5, | To check to George M. Bibb, - - - | 60 00 |
| Aug. 13, | To check of J. M. Bullock, Secretary, - - | 375 00 |
| 28, | To check to J. Tilford, - - - | 18 00 |
| Oct'r 8, | To check to C. S. Morehead, - - - | 30 00 |
| 12, | To check to J. Tilford, - - - - | 5 00 |
| 16, | To check to W. Owsley, - - - - | 30 00 |
| 20, | To check to George Robertson, - - - | 30 00 |
| 23, | To check to J. S. Sneed, - - - - | 13 00 |
| Dec'r 13, | To check to W. H. Pope, - - - | 13 00 |
| 13, | To check to J. Tilford, - - - - | 7 50 |
| 20, | To check to Northern Bank Ky., - - - | 26,263 12 |
| 31, | To Balance, - - - - - | 6,226 42 |
| | | $873,404 10 |

| | | | Cr. |
|---|---|---|---|
| 1836. | | | |
| December 10, | By cash, per J. M. Bullock, | - - | $15,000 00 |
| 22, | By cash, " same, | - - - | 15,000 00 |
| 1837. | | | |
| January 12, | By cash " same, | - - - | 3,249 33 |
| 23, | By cash " same, | - - - | 3,191 84 |
| February 9, | By cash " same, | - - - | 5,967 00 |
| April 13, | By cash " same, | - - - | 10,000 00 |
| May 10, | By cash " same, | - - - | 500,000 00 |
| June 9, | By cash " same, | - - - | 468 88 |
| July 3, | By cash " same, | - - - | 5,375 14 |
| 15, | By cash " same, | - - - | 240,995 39 |
| 18, | By cash " same, | - - - | 748 37 |
| Septem'r 21, | By cash " same, | - - - | 1,225 70 |
| | Amount carried forward, | - - - - | $801,231 65 |

| | | | |
|---|---|---|---|
| Amount brought forward, | - - - - | | $801,231 65 |
| 1837. | | | |
| October 2, By cash " | same, - - - | | 68 43 |
| 11, By cash " | same, - - - | | 5,000 00 |
| 18, By cash " | same, - - - | | 831 12 |
| Novemb'r 18, By cash " | same, - - - | | 267 25 |
| December 4, By cash " | same, - - - | | 162 01 |
| 5, By cash " | same, - - - | | 5,967 00 |
| 8, By cash " | same, - - - | | 10,970 37 |
| 1838. | | | |
| February 6, By cash " | same, - - - | | 17,007 60 |
| 13, By cash " | same, - - - | | 200 00 |
| 14, By cash " | same, - - - | | 634 48 |
| April 14, By cash " | same, - - - | | 5,257 81 |
| September 4, By cash " | same, - - - | | 6,000 00 |
| October 9, By cash " | same, - - - | | 11,000 00 |
| 13, By cash " | same, - - - | | 1,658 13 |
| 16, By cash " | same, - - - | | 3,798 25 |
| 17, By cash " | same, - - - | | 150 00 |
| Novemb'r 10, By cash " | same, - - - | | 2,000 00 |
| 30, By cash " | same, - - - | | 1,210 00 |
| | | | $873,404 10 |
| December 31, By balance, | - - - - | | $6,226 42 |

E. H. TAYLOR, *Cashier.*

*Ordered*, That the same be referred to the select committee appointed to prepare and bring in a bill to amend the act establishing a Sinking Fund.

Mr. Reeves, from the select committee to whom was referred a bill to establish the Southern Bank of Kentucky, reported the same with amendments.

The eleventh section of said bill reads as follows:

SEC. 11. The President and Directors of the Principal Bank shall establish not less than three Branches south of Green river: *one in the town of—— in the coanty of——; one in the town of——in the county of——; and one in the town of——in the county of——*, at such time AS THE PRESIDENT AND DIRECTORS MAY DESIGNATE. The amount of capital which shall be employed at the principal bank, and at the several branches, shall be under the control of the president and directors of the principal bank, so as to employ the same most advantageously to the stockholders and the community; and the right of the president and directors of the principal bank to change the location of a branch, which shall have been mismanaged, or shall have proved uproductive, shall be unquestionable: Provided, There shall not be employed more than one third of the capital stock actually paid in, as banking capital, in the principal bank, unless authorized by the Legislature; and it shall be lawful to employ the first three hundred thousand dollars, paid in by indi-

viduals, companies and corporations, as banking capital in the principal bank, and it shall then be the duty of the president and directors of the principal bank, to employ the residue of the capital stock, as paid in, to the establishment of branches, until nine hundred thousand dollars of the balance of the capital stock paid in, shall be employed in the branches; and, thereafter, one third of what shall be paid in, shall be employed in the principal bank: Provided, however, That nothing in this section shall be so construed, as to authorize and empower the president and directors of the principal bank to withdraw or remove any of the branches which may de located by them, so long as the same shall yield a net dividend of six per cent. per annum, upon the amount of capital which shall have been allowed to such branch, and shall be safely and properly managed and directed.

The first amendment reported by the committee, proposed to strike out of the 11th section, the words printed in *italics*. Also, to strike out the words printed in SMALL CAPITALS, and insert in lieu thereof, the following, viz:

"And at such places as a majority of the stockholders shall determine upon and designate; for which purpose the president and directors shall call a meeting of the stockholders, at the mother bank, at such time as they may think proper, having notified them thereof, by advertisement, published in some public newspaper, printed at Frankfort, for one month previously to said meeting."

Mr. Wade moved the following as an amendment to the said proposed amendment, viz:

"Provided, That one of said branches be located west of the Tennessee river.

The question being taken upon the adoption of the amendment to the amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wade and Riffe, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Riffe, |
| Messrs. Allen, | Gough, | Ritter, |
| Andrews, | Graham, | Rodes, |
| Apperson, | Gray, N. E. | Root, |
| Bailey, | Haggard, | Rowan, |
| Ballard, | Harris, | Rowlett, |
| Blair, | Johnson, | Rudd, |
| Bodine, | Lecompte, | Shanklin, |
| Bradley, | Marshall, | Slaughter, |
| Browder, | McClung, | Smith, I. |
| Bullock, | McElroy, | Taggart, |
| Clay, | McFall, | Thornburg, |
| Coleman, | Meriwether, | Todd, |
| Combs, | Morehead, | Trimble, |
| Cornish, | Morris, | Trumbo, |
| Daviess, | O'Bannon, | Waddle, |

| | | |
|---|---|---|
| Dohoney, | Pirtle, | Wade, |
| Finn, | Pope, | Walker, |
| Fox, | Purdy, | Wintersmith, |
| Gano, | Redd, | Yates—61. |
| Goble, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Edmonson, | McBrayer, |
| Bledsoe, | Ellison, | McClure, |
| Bradshaw, | Field, | Mims, |
| Brooks, | Gray, B. E. | Myers, |
| Buford, | Hardy, | Reeves, |
| Buckner, | Heady, | Royston, |
| Burden, | Hopkins, | Sharpe, |
| Butler, | Howard, | Smith, L. B. |
| Cofer, | Hughes, | Sutton, |
| Coffey, | Jasper, | White—32. |
| Dorton, | Latimer | |

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Field in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the speaker resumed the chair; when Mr. Field reported that the committee had, according to order, had under consideration, the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

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## FRIDAY, JANUARY 11, 1839.

1. Mr. Rudd presented the petition of the citizens of Springfield, praying for the appointment of a Police Judge in said town.

2. Mr. Allen presented the petition of the administratrix and the administrator of Rodolphus B. Greathouse, dec'd., praying the passage of a law allowing them to dispose of a certain slave.

3. Also, the petition of James E. Stone, Clerk of Hancock County Court, praying the passage of a law permitting him to record certain deeds.

4. Mr. Ballard presented the petition of Joseph Fible, adm'r of Lewis Fible, dec'd., and guardian of the heirs of said decedent, praying the passage of a law permitting him to sell a tract of land belonging to said estate.

Which were received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

Mr. Rudd, from the select committee who were appointed to prepare and bring in the same, reported a bill for the benefit of the citizens of Springfield.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

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## SATURDAY, JANUARY 12, 1839.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Thomas J. Paris.

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act to amend the law concerning weights and measures.

An act to incorporate the Trustees of the Rock Spring Church.

With amendments to the three latter bills.

And the passage of bills from the Senate, of the following titles, viz:

An act to amend the charter of the city of Maysville.

An act to provide for re-binding certain record books of the Shelby County Court.

1. Mr. Bailey presented the petition of the Board of Internal Improvement for Lincoln county, praying permission to locate a gate on the turnpike road, near Stanford.

2. Mr. Walker presented the petition of sundry citizens of Lewis county, praying that Crooked creek may be declared a navigable stream.

3. Mr. Buford presented the petition of Richard Lucas, and Nancy his wife, praying to be divorced from each other.

4. Mr. Gough presented the petition of sundry citizens of Meade county,

praying that the State would loan a sum of money to James M. George, for a term of years.

5. Also, the petition of Daniel S. Shacklett, praying to be divorced from his wife Sarah.

6. Mr. Brooks presented the petition of sundry citizens of Bracken county, praying the passage of a law incorporating the Trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

7. Mr. Waddle presented the petition of Charles J. Asbury and others, praying permission to sell a tract of land, and vest the proceeds in lands in some of the new States.

8. Mr. Coffey presented the petition of the administrator of Nimrod Ingram, dec'd., praying permission to erect a house on the lands of said decedent, for the use of the heirs.

9. Mr. Rudd presented the petition of sundry citizens of Washington county, praying that compensation may be made to Wm. Swinney for the support of Thomas Swinney.

10. Mr. Goble presented the petition of Nancy Haddon, praying to be divorced from her husband, Wm. J. Haddon.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee on Internal Improvement; the 3d, 5th and 9th to the committee on Religion; the 4th to the committee on Claims; the 6th, 7th and 8th to the committee for Courts of Justice, and the 10th to the committee on Ways and Means.

Mr. S. H. Anderson moved the following resolution, viz:

*Resolved*, That the Agricultural Society of Kentucky, be permitted to hold its annual meeting in the Hall of the House of Representatives, on Monday evening, the 14th inst.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Heady—1. A bill to amend the several acts establishing a road from Jeffersontown to Taylorsville, and thence in the direction of Harrodsburg, to intersect Delaney's old road from Bardstown to Lexington.

On the motion of Mr. Rudd—2. A bill to provide for the running the line between Washington and Marion counties.

*Ordered*, That Messrs. Heady, Slaughter and Bodine, prepare and bring in the 1st, and Messrs. Rudd, Slaughter and Purdy the 2d.

Mr. Dorton moved the following resolutions, viz:

WHEREAS, it is represented to the present General Assembly, that there is a large portion of country in this Commonwealth, above the falls of Cumberland river, adjacent thereto, abounding in minerals of coal, iron, &c., with abundant prospects for the manufacturing of salt; also, land in abundance, well adapted for the cultivation of tobacco and hemp, with inexhaustible quantities of timber, in a natural state, suitable for the use

and demand of the citizens of the interior of this Commonwealth; but for the want of the necessary facilities to convey and carry off the minerals and articles that could be manufactured, and the productions of the soil, the citizens thereof are discouraged and prevented from embarking in the transportation of those articles, which would be common to the citizens of both the interior and exterior of this Commonwealth; and is disheartening to, and prevents the erection of manufactories, and forbids the cultivation and raising those articles that would become the principal and staple commodities of the country, which places that portion of country upon a very unequal footing in various respects. If said difficulties were obviated, it would arouse and awaken the slumbering spirits of industry and enterprise; prosperity would spring forth; anticipations would be realized, and the true principles of republicanism embraced by the spread of equality: Therefore,

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency and practicability of improving the Falls of Cumberland river, suitable to procure a safe descending and ascending navigation by locks and dams, canal or otherwise.

*Resolved further*, That they inquire into the expediency and practicability of connecting the waters of Cumberland river with the waters of Kentucky river, at the junction of the East and Collins' Fork of Goose creek, by canal.

*Resolved*, That the Board of Internal Improvement furnish the committee with all the necessary information that may be in their possession, upon the expediency of improving the Falls of Cumberland river, by locks and dams, or otherwise, to procure navigation, with the aggregate amount of cost; also the necessary information that may be in their possession, upon the expediency and practicability of connecting the waters of the Cumberland river with the waters of the Kentucky river, at the junction of the East and Collins' Fork of Goose creek, by canal, with the aggregate amount of cost.

*Resolved*, That if either of the improvements be to the promotion of the interest and advancement of the prosperity of the citizens of this Commonwealth, sufficient to justify the commencement, progress and completion of the works contemplated, that the committee select and designate the most favorable and practicable route to procure the desirable intercourse of commerce from the exterior with the interior of this Commonwealth; and that they provide by a specific appropriation for said work, and report by bill or otherwise.

Which being twice read, were adopted.

The House then resumed the consideration of the bill to establish a new Judicial District, and for other purposes.

Mr. Cofer moved the following amendment to said bill, viz:

*Be it further enacted*, That the salary of the Circuit Judges of this Commonwealth shall hereafter be only twelve hundred and fifty dollars per year.

And the question being taken upon the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rodes and Rudd, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Apperson, | Goodson, | Riffe, |
| Ballard, | Graham, | Ritter, |
| Bodine, | Gray, B. E. | Rowan, |
| Bradley, | Haggard, | Rowlett, |
| Browder, | Hardy, | Royston, |
| Burden, | Heady, | Rudd, |
| Cofer, | Howard, | Smith, I. |
| Coffey, | Hughes, | Sutton, |
| Combs, | Jasper, | Taggart, |
| Dohoney, | McClure, | Thomas, |
| Dorton, | McElroy, | Thornburg, |
| Edmonson, | Newell, | Todd, |
| Ellion, | Pirtle, | Wade, |
| Finn, | Purdy, | Walker, |
| Fox, | Redd, | Yates—45. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | Myers, |
| Messrs. Allen, | Gano, | Newton, |
| Anderson, S. H. | Goble, | O'Bannon, |
| Andrews, | Gough, | Pope, |
| Bailey, | Gray, N. E. | Reeves, |
| Basye, | Harris, | Rodes, |
| Blair, | Hopkins, | Root, |
| Bledsoe, | Johnson, | Shanklin, |
| Bradshaw, | Latimer, | Sharpe, |
| Brooks, | Lecompte, | Slaughter, |
| Buford, | McBrayer, | Smith, L. B. |
| Bullock, | McClung, | Swope, |
| Buckner, | McFall, | Trimble, |
| Butler, | Meriwether, | Trumbo, |
| Clay, | Mims, | Waddle, |
| Coleman, | Morehead, | White, |
| Daviess, | Morris, | Wintersmith—51. |

*Ordered*, That said bill be referred to the committee on Ways and Means.

Mr. Ballard, from the committee appointed to prepare and bring in the same, reported a bill to allow an additional Justice of the Peace to Oldham county.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The House then resumed the consideration of the bill to establish the Southern Bank of Kentucky.

Mr. Coffey moved the following as an amendment to the first amendment heretofore proposed by the select committee, viz:—Add to the amendment the following:

"And the counties of Monroe, Cumberland, Clinton, Adair, Wayne, Russell, Pulaski, Whitley, Casey and Laurel, shall be entitled to a branch of said Southern Bank, which shall be located at Monticello."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Coffey and Ellison, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Coffey, | McClure, |
| Messrs. Anderson, S. H. | Daviess, | Newell, |
| Apperson, | Dohoney, | Pirtle, |
| Bailey, | Dorton, | Rowlett, |
| Bodine, | Fox, | Smith, L. B. |
| Bradley, | Harris, | Todd, |
| Buford, | Heady, | Trumbo, |
| Coleman, | Lecompte, | White—24. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gray, B. E. | Redd, |
| Anderson, A. | Gray, N. E. | Reeves, |
| Andrews, | Haggard, | Riffe, |
| Ballard, | Hardy, | Ritter, |
| Blair, | Hopkins, | Rodes, |
| Bledsoe, | Howard, | Root, |
| Bradshaw, | Hughes, | Rowan, |
| Brooks, | Jasper, | Royston, |
| Browder, | Johnson, | Shanklin, |
| Butler, | Latimer, | Sharpe, |
| Clay, | McBrayer, | Slaughter, |
| Cofer, | McClung, | Smith, I. |
| Combs, | McElroy, | Sprigg, |
| Edmonson, | Meriwether, | Sutton, |
| Ellison, | Mims, | Taggart, |
| Field, | Morehead, | Thomas, |
| Finn, | Morris, | Thornburg |
| Gano, | Myers, | Trimble, |
| Goble, | Newton, | Waddle, |
| Goodson, | O'Bannon, | Walker, |
| Gough, | Pope, | Wintersmith, |
| Graham, | Purdy, | Yates—66. |

The said first amendment, as amended, was then concurred in.

And then the House adjourned.

## MONDAY, JANUARY 14, 1839.

1. Mr. Hardy presented the petition of Jane Wright, praying that her name be changed to that of Jane Dodd.

2. Mr. Walker presented the remonstrance of sundry citizens of Lewis county, against declaring Crooked creek a navigable stream.

3. Mr. Gough presented the petition of Joseph Atwell and Wm. M. Simmons, praying the repeal of an act passed at the last session, in relation to said Simmons.

4. Mr. Bledsoe presented the petition of James R. Wright, guardian of Eliza Jane Curle, orphan of Jefferson Curle, dec'd., praying the passage of a law, legalizing the sale of a slave, made by him.

5. Mr. Wintersmith presented the petition of sundry citizens of West Point, praying for the repeal of an act to incorporate said town, approved Feb. 16, 1838.

6. Mr. Swope presented the petition of sundry citizens of Pendleton county, praying the passage of a law to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. Hardy, Ritter and Todd; the 2d to the committee on Internal Improvement; the 3d to the committee for Courts of Justice; the 4th and 5th to the committee on Propositions and Grievances, and the 6th to Messrs. Swope, Goodson, Thomas, Newell and Coleman.

Mr. Swope, from the select committee to whom was referred a bill authorizing the oppointment of County Treasurers—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be amended to read, "An act authorizing the appointment of a County Treasurer for Pendleton county."

Leave was given to bring in the following bills, viz:

On motion of Mr. Sprigg—1. A bill to equalize the salaries of the Circuit Judges.

On motion of Mr. Buford—2. A bill to alter the mode of listing for taxation, non-residents' land in this Commonwealth.

Messrs. Sprigg, Heady, McFall and McBrayer were appointed to prepare and bring in the 1st, and the committee for Courts of Justice the 2d.

Mr. White read and laid on the table, the following joint resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement be instructed to cause fifteen thousand dollars to be expended in the improving the Cumberland river, from the mouth of Laurel to the Falls, in the year 1839; being a part of an appropriation heretofore made to said river, from the mouth of Laurel to the Tennessee line.

On motion of Mr. A. Anderson,

*Ordered*, That a committee be appointed to wait on Mr. C. G. Memminger, the Commissioner from the State of South Carolina, and request him to furnish, for publication, the communication or address, delivered by him before this House, on Friday last; and thereupon a committee was appointed, consisting of Messrs. A. Anderson and Trimble.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Reeves—1. A bill for the benefit of Joseph R. Perkins, and Mary P., his wife.

By the committee for Courts of Justice—2. A bill for the benefit of Maranda S. E. S. M. Motley.

By same—3. A bill to amend an act, entitled, an act to amend the law in relation to divorces.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of the 1st and 3d bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred the amendment proposed by the Senate, to a bill from this House, entitled,

An act for the benefit of the Trustees of the Jury Fund, in this Commonwealth, and for other purposes,

Reported the same with amendments to said amendment, which were concurred in.

Mr. Buckner, from the committee to whom was referred a bill to increase the compensation to Grand Jurors, reported the same without amendment.

On motion of Mr. S. H. Anderson,

*Ordered*, That said bill be committed to the committee on Ways and Means.

Mr. Buckner, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

1. An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

2. An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior Court, and executions to issue in certain cases,

Reported the first without, and the second with an amendment, which was concurred in.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Buckner, from the same committee, to whom was referred a bill to prescribe and regulate the duties of Clerks of County and Circuit Courts, and of County Attorneys—reported the same with an amendment as a substitute, which was adopted.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

And then the House adjourned.

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## TUESDAY, JANUARY 15, 1839.

1. Mr. Daviess presented the petition of Margaret M. Pulliam, (with other documents,) praying to be divorced from her husband, Thomas Pulliam.

2. Mr. Basye presented the petition of James W. Rice, guardian of the heirs of Aaron Forman, dec'd., praying the passage of a law authorizing him to pay such interest on the debts of said decedent, as will enable him to obtain indulgence on the same.

3. Mr. Redd presented the petition of sundry citizens of Trigg county, praying an amendment of the law making an appropriation for the improvement of Little river, in said county.

4. Mr. Pirtle presented the petition of sundry citizens of the town of Farmington, in Graves county, praying the passage of a law allowing an additional Justice of the Peace to said county.

5. Mr. Bledsoe presented the petition of the executive of Joseph Walker, dec'd., and others, praying the passage of a law authorizing the said executor to execute a deed of conveyance for certain land, sold by his testator.

6. Mr. Morehead presented the petition of the adm'r. adult and infant

heirs of John Samuel, dec'd., praying the passage of a law relieving them from the penalty of a bond executed by said Samuel, as security for Robert Brenham, for 75 stand of arms, drawn from the Public Arsenal in the year 1814.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Religion; the 2d to the committee on Propositions and Grievances; the 3d to Messrs. Redd, Hopkins and Bradshaw; the 4th to Messrs. Pirtle, Wade and McFall; the 5th to the committee for Courts of Justice, and the 6th to the committee on Military Affairs.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Harris—1. A bill to amend an act, entitled, an act for the improvement of Big Sandy river.

On the motion of Mr. Hopkins—2. A bill making an appropriation to that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the county of Henderson.

On the motion of Mr. Basye—3. A bill for the benefit of George W. Williams, and others.

On the motion of Mr. Andrews—4. A bill for the benefit of the Clerk of the Fleming County Court.

On the motion of Mr. McElroy—5. A bill for the benefit of Thomas Cropper.

On the motion of Mr. Gano—6. A bill for the benefit of the Clerk of the Scott Circuit Court.

On the motion of Mr. O'Bannon—7. A bill to incorporate the town of Port Royal, in Henry county, and for other purposes.

On the motion of Mr. Daviess—8. A bill to enlarge the bounds of Richard Holman's Constable's district, in the county of Mercer.

Messrs. Harris, Goble and Trimble were appointed to prepare and bring in the 1st; the committee on Internal Improvement the 2d; Messrs. Basye, Bledsoe and Andrews the 3d; the committee on Ways and Means the 4th and 5th; the committee for Courts of Justice the 6th; Messrs. O'Bannon, Swope, Goodson and Thomas the 7th, and Messrs. Daviess, Cornish and Buford the 8th.

A bill from the Senate, entitled, an act giving to officers, and crews, and mechanics, and others, a lien on steamboats,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with, the same was referred to the committee for Courts of Justice.

A message was received from the Governor, by Mr. Bullock, Secretary

of State, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act authorizing the Auditor of Public Accounts to receive the delinquent lists of the Sheriffs of Jefferson, Nicholas, Monroe, Barren and Clarke counties. Approved, Jan. 4, 1839.

An act to incorporate the Hopkinsville Female Academy.

An act allowing additional Justices of the Peace and Constables to certain counties.

An act for the benefit of James L. Todd, a lunatic.

An act to legalize the proceedings of the 74th Regiment of Kentucky militia, and for other purposes.

An act authorizing the Register to issue a patent in the name of Barnabas Wing.

An act to amend the charter of the city of Maysville.

An act to have the line run and marked between the counties of Morgan and Floyd.

An act for the benefit of Wm. Gross.

An act for the benefit of Margaret Holtzclaw.

An act to change the names of Josiah Cusick, Margarette Cusick, and Samuel Cusick.

An act for the benefit of Anna Dix and Elizabeth Maria Dix.

Approved, Jan. 5, 1839.

An act for the benefit of the Sheriff of Shelby county.

An act for the benefit of Nancy L. McCullock.

An act allowing an additional Justice of the Peace to Butler county.

An act for the benefit of the Clerks of this Commonwealth.

An act for the benefit of the heirs and representatives of Thomas Jasper, dec'd.

An act for the benefit of the infant heirs of Henry Crittenden, dec'd.

An act for the benefit of George Knox.

An act to run and mark the line dividing the counties of Knox and Whitley.

An act changing the place of voting in the Sugartree Run Precinct, in Breckinridge county.

An act to release from forfeiture, and remit the taxes on certain lands belonging to the estate of George Morris, deceased.

An act for the benefit of Wm. Kercheval.

An act for the benefit of James Henson and George W. McLeod.

An act to change the place of voting in the Floydsburg Precinct in Oldham county.

An act to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved Jan. 17, 1818.

An act for the benefit of Thomas Hite.

An act to establish an additional election precinct in Ohio county.

An act for the benefit of the Clerk of the Washington County Court.

An act for the benefit of James M. Hanson.

An act to complete the State road from Mountsterling, by way of Prestonsburg to the Virginia line.

An act to incorporate the Louisa Literary Society.

Approved, Jan. 7, 1839.

Mr. Blair read and laid on the table the following joint resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That when they adjourn on Saturday, the 9th day of February next, they will adjourn without day.

Mr. Buford read and laid on the table the following joint resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Secretary of State be, and he is instructed to have the Acts of the General Assembly, and Journals, sent to each county, on or before the 15th day of April, in each and every year.

Mr. McClure, from the select committee to whom was referred a bill for the benefit of Enoch Yantis, reported the same with an amendment, which was concurred in.

*Ordered*, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be amended to read,

An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin, and Thomas J. Gough, Justices of the Peace.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By Mr. Ellison—1. A bill to change the place of voting in an election precinct in Cumberland county.

By Mr. Hardy—2. A bill to change the name of Jane Wright to that of Jane Dodd.

By Mr. Rudd—3. A bill to provide for running the line between the counties of Marion and Washington.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

The House again resumed the consideration of the bill to establish the Southern Bank of Kentucky.

The 2d, 3d and 4th amendments proposed to said bill, by the select committee, were then twice read and concurred in.

Mr. A. Anderson moved to lay said bill and amendments on the table, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Todd and A. Anderson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anderson, A. Dohoney—2.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Ballard,
Basye,
Blair,
Bledsoe,
Bodine,
Bradley,
Bradshaw,
Brooks,
Browder,
Buford,
Buckner,
Burden,
Butler,
Cofer,
Coffey,
Combs,
Cornish,
Daviess,
Dorton,
Edmonson,
Ellison,
Field,
Finn,
Fox,
Gano,
Goble,
Goodson,
Gough,
Graham,
Gray, B. E.
Gray, N. E.
Haggard,
Hardy,
Heady,
Hopkins,
Howard,
Hughes,
Jasper,
Johnson,
Latimer
Lecompte,
Marshall,
McBrayer,
McClung,
McClure,
McElroy,
McFall,
Meriwether,
Mims,
Morehead,
Morris,
Myers,
Newell,
Newton,
Pirtle,
Pope,
Purdy,
Redd,
Reeves,
Riffe,
Ritter,
Rodes,
Root,
Rowan,
Rowlett,
Royston,
Rudd,
Shanklin,
Sharpe,
Slaughter,
Smith, I.
Smith, L. B.
Sprigg,
Sutton,
Taggart,
Thomas,
Thornburg,
Todd,
Trimble,
Trumbo,
Waddle,
Wade,
Walker,
White,
Wintersmith—91.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Field in the chair, on the bill to confer banking privileges on the stockholders of

the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the speaker resumed the chair; when Mr. Field reported that the committee had, according to order, had under consideration, the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned,

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## WEDNESDAY, JANUARY 16, 1839.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed sundry enrolled bills which originated therein, of the following titles, viz:

An act to change the January term of the General Court.

Approved Jan. 4, 1839.

An act for the benefit of Lucy Jacobs.

An act for the benefit of William Butler, Clerk of the Monroe County Court. Approved Jan. 5, 1839.

That they had concurred in the amendment proposed by this House, to the amendment of the Senate, to a bill from this House, entitled,

An act for the benefit of the Trustees of the Jury Fund in this Commonwealth.

That they had concurred in the amendment proposed by this House to a bill from that, entitled,

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the Inferior Court, an executions to issue in certain cases.

That they had disagreed to a bill from this House, entitled, an act for the benefit of Jeremiah Smith, of Clay county.

That they had passed bills from this House, of the following titles, viz:

An act to preserve the original manuscript of the annual messages of the Governors of this State.

An act to authorize the citizens of Louisville to raise and organize a military corps, to be styled the "Louisville Legion."

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

And an act to abolish certain streets and parts of streets in the town of Canton, in Trigg county.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act to make an addition to the town of Rochester, in Butler county.

An act authorizing a fund to be raised by lottery, for the endowment of a Male and Female Academy, in the town of Paducah, and for other purposes.

An act to amend the charter of the Shepherdsville and Louisville Turnpike Company.

An act to legalize the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia.

An act releasing James Squires from all liability upon his bond, executed to the Quarter Master Genéral, for arms, in the year 1833.

An act to reduce into one, the several acts in relation to the town of Frankfort, and for other purposes.

An act to incorporate the Franklin Mining and Smelting Company.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act the better and more effectually to protect the rights of reversionary legatees.

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved Feb. 24, 1834.

And also, their disagreement to the amendment proposed by this House to a bill from that, entitled, an act to amend the charter of the Lexington and Georgetown Turnpike Road Company; and that they had appointed a committee of conference on their part, to confer with such committee as may be appointed on the part of this House, in relation to said amendment.

1. Mr. Ballard presented the petition of sundry citizens of Oldham county, praying the passage of a law authorizing a sale of the public property in the town of Westport.

2. Mr. Field presented the petition of Catharine Flinn, and her guardian, James Curren, praying the passage of a law authorizing a sale of the real estate of said Catharine.

3. Mr. McClure presented the petition of sundry citizens of Pulaski county, praying to be added to Russell county.

4. Mr. Bledsoe presented a communication or memorial from D. P. Bedinger, upon the subject of the location of locks and dams on Licking river; and asking a charter to a Company, for the purpose of erecting a Hotel, and improving the Lower Blue Lick Springs.

Which petitions and communication or memorial were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee for Courts of Justice; the 3d to the committee on Propositions and Grievances, and the 4th to the committee on Internal Improvement.

On motion of Mr. Clay—Leave was given to bring in a bill allowing Thos. Vanswearingen to make a title to a house and lot in the city of Lexington.

*Ordered*, That the committee for Courts of Justice prepare and bring in the same.

Mr. Morehead, from the committee on the Sinking Fund, made the following report, viz:

[*For this Report—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 150 copies of said report and documents, for the use of the members of this House.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled,

An act to amend an act, entitled, an act for the benefit of Wm. Butler, Clerk of the Monroe County Court, approved January 5, 1839,

Reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Sutton—1. A bill for the benefit of Elias Dobson.

By Mr. Ritter—2. A bill to establish the town of Frederick, in Barren county.

By Mr. Graham—3. A bill to amend the act approved 1st March, 1836, making an appropriation to build a bridge over Floyd's Fork of Salt river, in Bullitt county.

By Mr. Allen—4. A bill for the benefit of the heirs of Elijah Cumings, dec'd.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st and 2d were ordered to be engrossed and read a third time; the 3d was referred to the committee on Internal Improvent, and the 4th to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

The House again resumed the consideration of the bill to establish the Southern Bank of Kentucky.

Mr. Bradley moved to amend the 11th section of said bill, as follows, viz:

That it shall be the duty of the president and directors of the Southern Bank, to assign to each branch, an amount of capital equal to the amount employed by the mother bank: Provided, That if the capital so assigned to any branch, shall not yield a dividend of six per centum per annum, the same may be reduced to an amount that will yield a dividend of six per cent.; and the capital so withdrawn shall be equally divided between the mother bank and such branches as shall yield a dividend of six per cent.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. B. E. Gray and Allen, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Dohoney, | McClure, |
| Bodine, | Harris, | Pirtle, |
| Bradley, | Hopkins, | Ritter, |
| Coffey, | McBrayer, | Wade—12. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | O'Bannon, |
| Messrs. Allen, | Gano, | Pope, |
| Anderson, S. H. | Goble, | Purdy, |
| Andrews, | Goodson, | Redd, |
| Apperson, | Gough, | Reeves, |
| Bailey, | Graham, | Riffe, |
| Ballard, | Gray, B. E. | Rodes, |
| Basye, | Gray, N. E. | Rowan, |
| Blair, | Haggard, | Rowlett, |
| Bledsoe, | Hardy, | Royston, |
| Bradshaw, | Heady, | Rudd, |
| Brooks, | Howard, | Shanklin, |
| Browder, | Hughes, | Sharpe, |
| Buford, | Jasper, | Slaughter, |
| Bullock, | Johnson, | Smith, I. |
| Buckner, | Latimer, | Smith, L. B. |
| Burden, | Lecompte, | Sutton, |
| Butler, | McClung, | Swope, |
| Coleman, | McElroy, | Taggart, |
| Cofer, | McFall, | Thornburg |
| Combs, | Meriwether, | Todd, |
| Cornish, | Mims, | Trumbo, |
| Daviess, | Morehead, | Waddle, |
| Dorton, | Morris, | Walker, |
| Edmonson, | Myers, | White, |
| Ellison, | Newell, | Wintersmith, |
| Field, | Newton, | Yates—82. |
| Finn, | | |

The 5th, 6th, 7th and 8th amendments proposed by the select committee to said bill, were then twice read and concurred in.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Field in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the speaker resumed the chair; when Mr. Field reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

*Ordered*, That the Public Printer forthwith print 5000 copies of the address of C. G. Memminger, the special commissioner from South Carolina, delivered to this House, in relation to the bill to confer banking privileges on the stockholders of the Louisville, Cinoinnati and Charleston Rail Road Company, on certain terms and conditions.

Bills from the Senate, of the following titles, viz:

1. An act the better and more effectually to protect the rights of reversionary legatees.

2. An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved Feb. 24, 1834.

3. An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

4. An act to incorporate the Franklin Mining and Smelting Company.

5. An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes.

6. An act releasing James Squires from all liability upon his bond, executed to the Quarter Master General for arms, in the year 1833.

7. An act to legalize the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia.

8. An act to amend the charter of the Shepherdsville and Louisville Turnpike Company.

9. An act authorizing a fund to be raised by lottery, for the endowment of a Male and Female Academy in the town of Paducah, and for other purposes.

10. An act to make an addition to the town of Rochester, in Butler county.

11. An act to amend the charter of the city of Maysville.

12. An act to provide for re-binding certain record books of the Shelby County Court.

13. An act to repeal the law allowing ferry keepers to keep tavern without license.

14. An act to change the time of holding the Carter County Court.

15. An act for the benefit of the heirs of John T. Langhorne.

16. An act for the benefit of George H. Clements and others.

17. An act for the benefit of the heirs of Ruth and Polly Pointer.

18. An act for the benefit of Robert and Jane Middleton.

19. An act for the benefit of the Lunatic Asylum.

20. An act to establish the town of Lovelaceville, in the county of McCracken.

21. An act to amend an act to alter the mode of summoniug Petit Jurors.

22. An act for the benefit of the estate of Leonard Hamilton, dec'd.

23. An act giving Harris W. Thornton, late Deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

24. An act for the benefit of Anderson Dunn and Isaac Hemmingway.

25. An act for the benefit of the Sheriff of Green county.

26. An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson.

27. An act to incorporate the Louisville Law Library Company.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 2d, 3d, 4th, 11th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22d, 26th and 27th, were referred to the committee for Courts of Justice; the 5th to Messrs. Morehead, Rodes and Trimble; the 6th and 7th to the committee on Military Affairs; the 8th to the committee on Internal Improvement; the 9th and 19th to the committee on Education; the 10th to Messrs. Burden, Hardy and Bradshaw; the 12th and 24th to the committee on Claims, and the 13th, 23d and 25th to the committee on Ways and Means.

The House then took up for consideration, a resolution from the Senate, adopting a joint rule, that the committees on Education examine Transylvania University, the Lunatic Asylum, and Deaf and Dumb Asylum.

*Ordered*, That the same be referred to the committee on Education.

And then the House adjourned.

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## THURSDAY, JANUARY 17, 1839.

1. Mr. Ballard presented the petition of sundry citizens of Oldham county, praying the passage of a law to sell the public property in the town of Westport.

2. Mr. Dorton presented the petition of Sandy H. Aldridge, praying ad-

ditional compensation for taking in the revenue tax for Knox county, for the year 1837.

3. Mr. Marshall presented the petition of John Steele, praying to be released from the penalty of a bond, given for the return of some arms to the Public Arsenal.

4. Mr. Butler presented the petition of Edward C. Wilkinson, John Murdaugh and Benjamin R. Wilkinson, praying for a change of venue from the county of Jefferson, where they stand charged with murder.

5. Mr. Slaughter presented the petition of sundry citizens of New Haven, in Nelson county, praying for an act of incorporation for said town.

6. Mr. Riffe presented the petition of James Faris, praying the passage of a law permitting him to retail spirituous liquors without license.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 4th and 5th to the committee for Courts of Justice; the 2d to the committee on Claims; the 3d to the cummittee on Military Affairs, and the 6th to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Fox—1. A bill for the benefit of the Sheriff of Madison county.

On the motion of Mr. Edmonson—2. A bill further to provide for the improvement of the navigation of Nolin river.

On the motion of Mr. S. H. Anderson—3. A bill to regulate the 9th and 12th Judicial Districts.

On the motion of Mr. Johnson—4. A bill to change the place of voting in the Stamping Ground Precinct, in Scott county.

On the motion of Mr. Root—5. A bill to amend an act, entitled, an act to establish the town of Warsaw, in Gallatin county, rpproved Feb. 16, 1838.

The committee for Courts of Justice were directed to prepare and bring in the 1st; the committee on Internal Improvement the 2d; Messrs. S. H. Anderson, Bailey, Daviess and Cornish the 3d; Messrs. Johnson, Swope, Newell and Gano the 4th, and Messrs. Root, Ballard, Thomas and Coleman the 5th.

A message was received from the Senate, announcing the passage of a bill from this House, entitled,

An act for the benefit of the citizens of Springfield.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of Samuel Ingram, late Sheriff of Marion county—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Hughes—1. A bill for the benefit of the Sheriff of Livingston county.

By Mr. Yates—2. A bill to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was referred to the committee on Ways and Means, and the 2d to the committee on Internal Improvement.

The House then resumed the consideration of the bill to establish the Southern Bank of Kentucky.

The question was taken on the adoption of the amendments proposed to said bill by the committee of the whole, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. S. H. Anderson and Dorton, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goble, | Pirtle, |
| Messrs. Allen, | Goodson, | Pope, |
| Anderson, A. | Gough, | Purdy, |
| Bailey, | Gray, B. E. | Redd, |
| Ballard, | Gray, N. E. | Reeves, |
| Bodine, | Haggard, | Riffe, |
| Bradshaw, | Hardy, | Root, |
| Browder, | Heady, | Rowan, |
| Bullock, | Hopkins, | Rowlett, |
| Buckner, | Hughes, | Smith, I. |
| Burden, | Jasper, | Smith, L. B. |
| Butler, | Lecompte, | Sutton, |
| Cofer, | McBrayer, | Thomas, |
| Cornish, | McElroy, | Thornburg |
| Dohoney, | McFall, | Todd, |
| Edmonson, | Meriwether, | Trimble, |
| Ellison, | Mims, | Trumbo, |
| Field, | Newell, | White, |
| Finn, | Newton, | Wintersmith, |
| Fox, | O'Bannon, | Yates—60. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Gano, | Ritter, |
| Andrews, | Graham, | Rodes, |
| Apperson, | Harris, | Royston, |
| Blair, | Howard, | Rudd, |

| | | |
|---|---|---|
| Bledsoe, | Johnson, | Shanklin, |
| Bradley, | Latimer, | Sharpe, |
| Brooks, | Marshall, | Slaughter, |
| Buford, | McClung, | Swope, |
| Clay, | McClure, | Taggart, |
| Coleman, | Morehead, | Waddle, |
| Coffey, | Morris, | Wade, |
| Combs, | Myers, | Walker—37. |
| Dorton, | | |

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Todd in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the Speaker resumed the chair; when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
*Frankfort, January 16th*, 1839.

SIR:

The proceedings of the annual meeting of the Madison county Agricultural Society, have been forwarded to me, with a request that I should communicate the same to the Legislature. I have also been desired, by Major General E. P. Gaines, to submit to the Legislature his views in relation to "a system of railroads, to lead from the central and western States of the Union, to the six grand divisions of the national frontier," together with a diagram thereof. Allow me, therefore, in compliance with the several requests, through you, to lay the accompanying documents before the House of Representatives,

JAS. CLARK.

*To the Hon.* R. P. LETCHER,
*Speaker of the House of Representatives:*

At a meeting of the Madison Agricultural Society, held at the court house in the town of Richmond, on the 5th day of May, 1838, the following resolutions, offered by Col. David Irvine, were unanimously adopted, to wit:

*Resolved*, That a geological survey of the State of Kentucky would greatly tend to develop our agricultural and mineral resources, and aid our system of internal improvements; and that this Society heartily approves of the resolution of the last Legislature, providing for the preliminary examination for such a survey, and the prompt manner in which the Governor has set it on foot,

*Resolved*, That this Society confidently look to the next Legislature for the necessary provision for having said survey speedily executed.

*Resolved*, That the President of this Society forward a copy of these resolutions to the Governor, with a request that he lay them before the next Legislature.

HENRY GOODLOE, President.

W. L. IRVINE, Secretary.

RICHMOND, *Ky.*, *Dec. 24th*, 1838.

Sir:

You will perceive by the latter of the preceding resolutions, adopted by the Madison Agricultural Society, that it is made my duty to forward them to your Excellency, with the request that you lay them before the Legislature, which I have the honor to do.

Very respectfully,

HENRY GOODLOE,
*Pres. Madison Agricultural Society.*

To His Excellency JAMES CLARK,
*Governor of Kentucky.*

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HEAD QUARTERS, WESTERN DIVISION.
ST. LOUIS ARSENAL, MISSOURI.
*October 14th*, 1838.

SIR:

Accompanying this, I do myself the honor to send you a Diagram of my system of Railroads, designed to lead from the central and western States of the Union, to the six grand divisions of the national frontier, which I respectfully desire you to accept as a slender token of my esteem: and of my solicitude for the safety and prosperity of our beloved country, of which the State over which you preside, formsa distinguished member.

Referring you to my views submittted to the department of War in December, 1826, and February, 1835, of which I will take an early occasion to obtain and forward to you copies, I have now to remark, that I am mainly indebted to the occurrences of the war of 1814 for the suggestions to which I solicit your attention; to the experience of the war, I may add the obligations we are all under to the great and glorions discovery of Oliver Evans, for the application of steam power to vehicles of land transportation.

In the progress of the war, I witnessed the deeply afflictive struggle of our country, full of resources, and numbering more than a million and a half of men of unsurpassed gallantry, contending against and often foiled by forces inferior in numbers, and certainly not superior in prowess, to those opposed to our fathers of the revolution. Painful as these reminiscences must ever be, they are not to be forgotten or disregarded by the statesman or the soldier; nor will any patriotic citizen of the republic fail to ponder upon the subject until the cause of our difficulties in the prosecution of that war are developed and exposed. That most of th evils which tended to retard the successful issue of that war still exist, no man of military mind can doubt:—evils which consisted principally in the SPIRIT OF PARTY. The spirit of party had contributed to encourage the enemy in the hope that we were suffi-

ciently divided to be easily conquered. This monster had contributed to plunge us in a sanguinary war with one of the most powerful nations of Europe, without the essential preparations of military roads, with a National Bank.

In the course of that war, I witnessed many apparently favorable opportunities of achieving victory over the invading foe, which in most cases vanished for want of good roads or canals, for the prompt transportation of munitions of war and reinforcements, from the central and interior States and districts to the frontier. Our troops and supplies were not only much retarded in their movements, but often greatly enfeebled and injured by the obstacles they encountered—by bad roads and impracticable water courses; upon which they seldom moved more than at the rate of 12 or 15 miles in twenty four hours; and at an expense of from $6 to $40 for every man—and the same for every barrel of pork, flour or powder, for every one hundred miles; an expense sufficient, in the course of a war of seven years' duration, to bankrupt, whilst it must ever render doubtful and difficult, every operation in the defence of, the country.

Believing that the defence of our country should never be left as a matter of doubt by a prudent people, I determined to devote my best efforts to the discovery of some improved means of transportation, tending to obviate the countless expense of time and of money, which in the late war, attended all our operations. In my first project, which I submitted to the department of War in December, 1826, I proposed a system of *Canals and Turnpike Roads*, from the central States to the frontier.

That plan might have been carried into effect by the army, had it been augmented, from time to time, by calling out volunteers or militia in numbers proportioned to the gradual increase of the population of the United States, taking the army as it stood after the reduction of 1815 as the basis.—By this process of augmentation, we might have had, at this time, an army consisting of the yeomanry of the country, embracing sober, industrious mechanics, sufficient to have enabled us to complete the works of defence necessary upon the frontier, with a first rate Turnpike Road leading from the central States, to each frontier post, at an expense of forty millions of dollars. That project, however, thanks to the spirit of party, was disregarded. Our excellent currency, based upon the Bank of the United States, was deranged by the spirit of party; and the great evil of the recruiting service, by which the ranks of the army is for the most part filled with drunkards and idlers, has been preserved.

Nothing disheartened, however much mortified, I quietly continued the investigation of the subject; and in the year 1830, I began to entertain hopes that a system of *Railroads* from the central States to the frontier, was practicable, and that it would be more acceptable to the people of the United States, and far more important as a means of national defence than canals and turnpike roads, and not likely to cost much more money. I immediately directed my attention to the subject, but could find few men who were willing to hazzard their reputation upon a project of so awful a character, threatening an expenditure of fifty millions of dollars of the "people's money;"—and what was not much less frightful to many of my friends, they had reason to apprehend a revival of the controversy in which many of them had fought, and, as they believed, conquered; in opposition to the doctrine that the federal Constitution contains any grant of power authorizing Congress to make a road—notwithstanding the express grant of power, "*to de-*

*clare war, to repel invasion, and suppress insurrection:*" powers that all reasonable men admit cannot be carried into effect without roads—and that the vital importance of protection against an invading foe cannot but suggest the propriety of the most effective description of roads.

I will here add, what I have some time past intimated in my published views, that such is the progress which all the strong powers of Europe are now making to apply steam power to ships of war, as well as to vehicles of land transportation, that the time is apparently close at hand when the proposed improvement in our means of national defence, by the application of steam power to Railroads, will be indispensable to our existence as an independent nation, and will be found to surpass any other—nay, every other improvement or discovery in the art of war known to military history.

It is, in every possible view of the subject, so transcendant, and so obvious as to carry conviction to every military mind embracing its manifest bearings and tendencies, that all such as make themselves acquainted with it will not fail to admit, that it is destined very soon to produce an entire change in the most important operations that ever mark a state of war—which consist in the *attack and defence of nations—and more especially of fortified places*; and that it will produce a more memorable epoch in the practical science and commonsense business of war, *than has ever occurred within any ten centuries since the early dawn of the civilization of man.* Railroads, leading from the central States to the national frontier of a country like ours, aided by large floating batteries, such as I had the honor to recommend to the war department in the year 1822, together wielded by steam power, will be found to constitute the first, and the only discovery known to man, whereby such a country, *acting upon the magnanimous principle of self-defence, can, without doubt, hold in her own hands forever, (under favor of an overruling providence,) the incontestible issue of war.* Any nation, of our numercial strength and military character and resources, availing herself of this discovery, may safely assume and maintain the attitude of proud defiance towards the armies and navies of Europe, and every other quarter of the globe; whilst the most warlike nations, neglecting the use of steam power applied to the proposed means of defence, will be found wholly unable to maintain their independence!

In this view of the subject, in which I am happy to learn some of the most talented men, whose opinions I have ascertained, concur with me, the proposed system presses itself upon our attention, not indeed as a mere matter of choice, or of fancy, but as a work of indispensable necesssity—as *a measure of self-preservation!*

In looking around us, we find upon our northwest, as well as upon our northeastern border, *a boundary question*, in the final adjustment of which we may reasonably calculate on a war, in which two of the most powerful nations of the world may combine their land and naval strength and resources against us. These nations have no love for our democratic institutions. They are alike jealous of our prospective weight and expansive influence upon other quarters of the globe, as well as our own. They know full well that our numercial strength will, in 61 years from this time, at the close of the present century, amount to not less than eighty millions of free white citizens. We know that one of those great nations, while claiming our country as her refractory daughter, and once subsequently, was so far guilty of the unkindness of a step-mother towards us, as to employ our savage

neighbors against us, and to pay them, in gold and blankets, at the rate of ten dollars for each Yankee scalp taken by those savages. It may be that some of our other neighbors may become equally *humane* and equally *magnanimous* towards us; in this case we may find mixed forces of no ordinary prowess approaching us, even from beyond the Rocky Mountains. We shall then be more able than at present to estimate the value of the proposed system of Railroads, which will enable us to oppose a million of the fighting men of the central and western States, to any invading foe, in one tenth part of the time, and at one tenth part of the expense, that the movement would cost without Railroads. Such a war would hasten the accomplishment of the proposed work—and it would, moreover, hasten the approach of another period, which every enlightened man of the great valley of the Mississippi must confidently anticipate—that period which is destined to extend my system of Railroads, from Memphis, Tennessee, and St. Louis, to the Pacific ocean—a period at which the States of Missouri and Illinois will be as emphatically the central military States of the Union, of the then 46 States, as Kentucky and Tennessee are now the two great central military States of the present union of 26 States. But if we neglect the proposed means of national defence, and national prosperity, all our border pioneers may share the fate of the neglected Floridians, and in place of a union of States embracing a population of eighty four millions, bound together by the proposed monuments of iron and of gold, we may, at the close of the present century, be found impoverished and divided by the intollerance of party spirit, into hundreds of miserable factions, an easy prey to some neighboring tyrant;—for the transition from anarchy to despotism, may become as easy in America, as it ever has been in other quarters of the globe—requiring but a single step.

But I shall never despair of the Republic while I can find at the head of the State governments, men who, regardless of the spirit of party, dare to speak, as you and many others have spoken, in favor of Railroads.

Let the State authorities speak out upon the subject to the Federal Government, and my life upon it, their united efforts will eventuate in an act of Congress, providing for the location and construction of the work. And when it is finished, let it be transferred to the States respectively in which its different sections are located, upon the single condition that the sections belonging to each State shall be supplied with collectors and toll gates, kept in repair, and transport our troops and munitions of war, with the U. States' mail, forever, free of expense.

There are statesmen who put their trust altogether too much in fortifications. It is obvious from the military history of Europe, that those nations who have taken care to construct, at a vast expense, the most approved fortifications, have frequently suffered the greatest losses in their wars with nations of equal, or nearly equal, numercial strength and prowess. The strongly fortified nation, or commander, confiding overmuch in the invulnerability of his works of defence, has too often committed the fault of relying for his security—not on the skill and disciplined prowess of his troops, with his perfected means of transporting them with unexampled celerity from his central positions, to his assailed frontier—but mainly upon the supposed perfection of his fortifications, and the imagined inability of the invading foe to reduce them. He thus commits the greatest fault of remaining within his cordon of forts. His country soon becomes the theatre of war; which sub-

jects him to the most afflictive evils of the war, which he might have obviated by commencing and continuing the defence of his country beyond his frontier. He is thus compelled to incur the expense of keeping in service from five to ten times as much force as that of his antagonist: because he, the assailant, is left to choose the *point of attack*, and the *time of attack*, (two immense advantages,) while the assailed, without Railroads to give celerity and cheapness to his movements, must hold himself *always ready* for action at every vulnerable point, and at all times. His splendid fortifications must all be expensively armed, amply supplied with rations and powder, and lead, and arms; and strongly garrisoned by first rate troops. He is constantly apprehensive, lest his enemy should attack him in some vulnerable point not yet sufficiently fortified; and his apprehensions are as constantly realized, for no nation can meet the expense of fortifying every accessible point of his frontier. The war progresses. His weak points are sure to be seen, and overcome. His prosperous agricultural and manufacturing districts are laid waste. He is finally compelled to patch up a peace. He finds himself compelled, as France was compelled in 1815, to suffer the humiliation of feeding, and lodging, and yielding to the ravages of a lawless foe; and then paying the expenses of the war—after suffering the deep mortification of seeing the invader pass by the numerous splendid fortifications upon his frontier, without having deigned to honor scarcely any one of them with a siege—or a shell, or a shot.

The proposed system of Railroads, on the contrary, will contribute so much altogether to favor the assailed, and to oppose to the assailant, the insurmountable obstacles of having hurled against him, with a momentum and a precision not to be evaded or resisted, all the vital power of the heart of the republic, to protect the extremities, that this means of defence cannot but be ten times more effective than any other hitherto discovered—more especially to ensure the protection of the country, whose policy or disposition may induce her to confine herself to *defensive war*.

*The only sure means of preventing war, is to be prepared for it:* not indeed with fortifications, always vastly expensive in peace and in war—and useless in peace; but with Railroads leading from the central States to the frontier:—These, in war, will do incalculably more for the national defence than fortifications, whilst the Railroads will, both in peace and in war, and more especially in peace, whilst fortifications and arsenals, and ships of war, are useless, and a great expense to the nation to keep them in repair;—then Railroads, turned to commercial purposes, will produce a revenue sufficient to pay the expenses of their construction, in from six to eight years; and they will be a perpetual source of wealth and an endless blessing to the agriculturalists, and mechanics, and all who are in any manner employed in cultivating, or otherwise subduing the earth, and developing its countless resources, whether agricultural or mineral, most of whose productions require the application of steam power to prepare, and Railroads to convey with cheapness and rapidity the raw material, or the manufactured commodity of either, often of unwieldly bulk and great weight, to profitable markets, at low rates of transportation.

Some of my friends having questioned the propriety of my having designated the States of Tennessee and Kentucky as the "*great military States of the Union*," I avail myself of the present occasion to explain why I have thus designated those States.

tI will be seen by referring to my Diagram, or to the map of the United States, that of the 26 States, each one of the other 24, extends to, or forms a section of the seaboard, the northern or the western frontier, and consequently, the military men of all these border States, constitute the local force of the nation, liable to be called into service only for the protection of their own firesides—or, in other words, for the defence of their own or adjacent sections of the frontier, respectively; whereas, the military men of Kentucky and Tennessee constitute the principal *disposable force* of the nation—liable to be called into service at any, and every point of the sea board, or other sections of the national frontier, wherever an enemy shall dare to attempt invasion. They will thus be found to act with that part of the regular army which shall be considered as disposable, for field service; excluding such corps of artillery or infantry as may happen to constitute the *garrisons* of our permanent posts. These have usually co-operated with the *local force* of our border States. With these, the disposable forces of the central States will co-operate, whenever, and as often as, an enemy shall attack any section of the national frontier. Hence it is that the military men of the States of Kentucky and Tennessee constitute the principal disposable force of the nation; and hence it is, that these two States are designated by me as "the great military States of the Union." The military men of the southern districts of Ohio, and those of the eastern districts of Indiana and Illinois and Missouri, may, in the course of a few years, be considered as disposable force. I have never permitted myself to say, nor do I believe those western or central men possess more gallantry or chivalry than the fighting men of the frontier States: but I do affirm, without the fear of contradiction by any man of military mind, that, inasmuch as the central States have no frontier of their own to defend, their military men will ever enjoy the glorious privilege of being called to any and every part of the national frontier, to co-operate with the local forces in repelling the invading foe. And hence the propriety of extendiug to them the proposed Railroads, so that they may *fly* to the frontier, to be usefully employed in giving to the enemy the *finishing blow.*

A retrospective glance of the mind's eye, to Bladensburg, on the 24th of August, 1814, at the moment when the local forces of the Federal City, with our worthy President at their head, were in the act of turning their backs upon the invading foe, will prepare the mind to realize, at such a crisis, the value of a Railroad, that might have brought before the enemy, ready for action, the light brigade of Coffee, or the division of Carroll, of Tennesseans, or the division of Thomas or Adair, of Kentuckians. The enemy would thus have been instantly punished for his audacity; and the Capitol, and what was of still more consequeuce to us, the honor of our beloved country, would have been preserved inviolate!

In the hope that yonr Excellency will concur with me in the foregoing views, I respectfully request that you will do me the favor to submit them, with my Diagram,* to the Legislature of the State over which you preside.

I am, with perfect respect,

your most obedient servant,

EDMUND PENDLETON GAINES.

His Excellency JAMES CLARK,

*Governor of the State of Kentucky.*

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* Diagram not printed by order of the House.—[PUBLIC PRINTER.

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In looking around us, we find upon our northwest, as well as upon our northeastern border, *a boundary question*, in the final adjustment of which we may reasonably calculate on a war, in which two of the most powerful nations of the world may combine their land and naval strength and resources against us. These nations have no love for our democratic institutions. They are alike jealous of our prospective weight and expansive influence upon other quarters of the globe, as well as our own. They know full well that our numercial strength will, in 61 years from this time, at the close of the present century, amount to not less than eighty millions of free white citizens. We know that one of those great nations, while claiming our country as her refractory daughter, and once subsequently, was so far guilty of the unkindness of a step-mother towards us, as to employ our savage

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But I shall never despair of the Republic while I can find at the head of the State governments, men who, regardless of the spirit of party, dare to speak, as you and many others have spoken, in favor of Railroads.

Let the State authorities speak out upon the subject to the Federal Government, and my life upon it, their united efforts will eventuate in an act of Congress, providing for the location and construction of the work. And when it is finished, let it be transferred to the States respectively in which its different sections are located, upon the single condition that the sections belonging to each State shall be supplied with collectors and toll gates, kept in repair, and transport our troops and munitions of war, with the U. States' mail, forever, free of expense.

There are statesmen who put their trust altogether too much in fortifications. It is obvious from the military history of Europe, that those nations who have taken care to construct, at a vast expense, the most approved fortifications, have frequently suffered the greatest losses in their wars with nations of equal, or nearly equal, numercial strength and prowess. The strongly fortified nation, or commander, confiding overmuch in the invulnerability of his works of defence, has too often committed the fault of relying for his security—not on the skill and disciplined prowess of his troops, with his perfected means of transporting them with unexampled celerity from his central positions, to his assailed frontier—but mainly upon the supposed perfection of his fortifications, and the imagined inability of the invading foe to reduce them. He thus commits the greatest fault of remaining within his cordon of forts. His country soon becomes the theatre of war; which sub-

jects him to the most afflictive evils of the war, which he might have obviated by commencing and continuing the defence of his country beyond his frontier. He is thus compelled to incur the expense of keeping in service from five to ten times as much force as that of his antagonist: because he, the assailant, is left to choose the *point of attack*, and the *time of attack*, (two immense advantages,) while the assailed, without Railroads to give celerity and cheapness to his movements, must hold himself *always ready* for action at every vulnerable point, and at all times. His splendid fortifications must all be expensively armed, amply supplied with rations and powder, and lead, and arms; and strongly garrisoned by first rate troops. He is constantly apprehensive, lest his enemy should attack him in some vulnerable point not yet sufficiently fortified; and his apprehensions are as constantly realized, for no nation can meet the expense of fortifying every accessible point of his frontier. The war progresses. His weak points are sure to be seen, and overcome. His prosperous agricultural and manufacturing districts are laid waste. He is finally compelled to patch up a peace. He finds himself compelled, as France was compelled in 1815, to suffer the humiliation of feeding, and lodging, and yielding to the ravages of a lawless foe; and then paying the expenses of the war—after suffering the deep mortification of seeing the invader pass by the numerous splendid fortifications upon his frontier, without having deigned to honor scarcely any one of them with a siege—or a shell, or a shot.

The proposed system of Railroads, on the contrary, will contribute so much altogether to favor the assailed, and to oppose to the assailant, the insurmountable obstacles of having hurled against him, with a momentum and a precision not to be evaded or resisted, all the vital power of the heart of the republic, to protect the extremities, that this means of defence cannot but be ten times more effective than any other hitherto discovered—more especially to ensure the protection of the country, whose policy or disposition may induce her to confine herself to *defensive war*.

*The only sure means of preventing war, is to be prepared for it:* not indeed with fortifications, always vastly expensive in peace and in war—and useless in peace; but with Railroads leading from the central States to the frontier:—These, in war, will do incalculably more for the national defence than fortifications, whilst the Railroads will, both in peace and in war, and more especially in peace, whilst fortifications and arsenals, and ships of war, are useless, and a great expense to the nation to keep them in repair;—then Railroads, turned to commercial purposes, will produce a revenue sufficient to pay the expenses of their construction, in from six to eight years; and they will be a perpetual source of wealth and an endless blessing to the agriculturalists, and mechanics, and all who are in any manner employed in cultivating, or otherwise subduing the earth, and developing its countless resources, whether agricultural or mineral, most of whose productions require the application of steam power to prepare, and Railroads to convey with cheapness and rapidity the raw material, or the manufactured commodity of either, often of unwieldly bulk and great weight, to profitable markets, at low rates of transportation.

Some of my friends having questioned the propriety of my having designated the States of Tennessee and Kentucky as the "*great military States of the Union*," I avail myself of the present occasion to explain why I have thus designated those States.

tI will be seen by referring to my Diagram, or to the map of the United States, that of the 26 States, each one of the other 24, extends to, or forms a section of the seaboard, the northern or the western frontier, and consequently, the military men of all these border States, constitute the local force of the nation, liable to be called into service only for the protection of their own firesides—or, in other words, for the defence of their own or adjacent sections of the frontier, respectively; whereas, the military men of Kentucky and Tennessee constitute the principal *disposable force* of the nation—liable to be called into service at any, and every point of the sea board, or other sections of the national frontier, wherever an enemy shall dare to attempt invasion. They will thus be found to act with that part of the regular army which shall be considered as disposable, for field service; excluding such corps of artillery or infantry as may happen to constitute the *garrisons* of our permanent posts. These have usually co-operated with the *local force* of our border States. With these, the disposable forces of the central States will co-operate, whenever, and as often as, an enemy shall attack any section of the national frontier. Hence it is that the military men of the States of Kentucky and Tennessee constitute the principal disposable force of the nation; and hence it is, that these two States are designated by me as "the great military States of the Union." The military men of the southern districts of Ohio, and those of the eastern districts of Indiana and Illinois and Missouri, may, in the course of a few years, be considered as disposable force. I have never permitted myself to say, nor do I believe those western or central men possess more gallantry or chivalry than the fighting men of the frontier States: but I do affirm, without the fear of contradiction by any man of military mind, that, inasmuch as the central States have no frontier of their own to defend, their military men will ever enjoy the glorious privilege of being called to any and every part of the national frontier, to co-operate with the local forces in repelling the invading foe. And hence the propriety of extendiug to them the proposed Railroads, so that they may *fly* to the frontier, to be usefully employed in giving to the enemy the *finishing blow*.

A retrospective glance of the mind's eye, to Bladensburg, on the 24th of August, 1814, at the moment when the local forces of the Federal City, with our worthy President at their head, were in the act of turning their backs upon the invading foe, will prepare the mind to realize, at such a crisis, the value of a Railroad, that might have brought before the enemy, ready for action, the light brigade of Coffee, or the division of Carroll, of Tennesseans, or the division of Thomas or Adair, of Kentuckians. The enemy would thus have been instantly punished for his audacity; and the Capitol, and what was of still more consequeuce to us, the honor of our beloved country, would have been preserved inviolate!

In the hope that yonr Excellency will concur with me in the foregoing views, I respectfully request that you will do me the favor to submit them, with my Diagram,* to the Legislature of the State over which you preside.

I am, with perfect respect,

your most obedient servant,

EDMUND PENDLETON GAINES.

His Excellency JAMES CLARK,

*Governor of the State of Kentucky.*

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* Diagram not printed by order of the House.—[PUBLIC PRINTER.

*Ordered*, That so much of the same as refers to geology, be referred to the committee on Agriculture and Manufactures; and that part in relation to "a system of railroads to lead from the central and western States of the Union to the six grand divisions of the national frontier," be referred to the committee on Internal Improvement.

And then the House adjourned.

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## FRIDAY, JANUARY 18, 1839.

1. Mr. Mims presented the petition of sundry citizens of Caldwell county, praying that no further indulgence will be given to headright settlers south of Green river.

2. Mr. Howard presented the petition of sundry citizens of Monroe county, praying that Sheriffs shall be compelled to reside within a half mile of their courthouses.

3. Mr. Dorton presented the petition of William Gambriel, together with other citizens of Knox county, praying that said Gambriel be divorced from his wife Mahala.

4. Mr. McClung presented the petition of sundry citizens of Mason county, praying a revision of the laws in relation to the granting of license to retail spirituous liquors.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee for Courts of Justice; the 2d to the committee on Propositions and Grievances; the 3d to the committee on Religion, and the 4th to the committee on Ways and Means.

The Speaker laid before the House the report of the Auditor of Public Accounts, containg an appendix to his annual report.

[*For this Report—see Appendix.*]

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act authorizing the appointment of a County Treasurer for Pendleton county.

An act authorizing Thomas Bratcher to build a mill dam across Caney creek.

An act to authorize the Trustees of the town of Paris to sell a certain lot and street therein.

An act for the benefit of Joseph R. Perkins, and Mary P., his wife.

Mr. Andrews moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the propriety of directing, by law, the Board of Internal Improvement to subscribe two dollars for one, in the capital stock of the Maysville and Mountsterling turnpike road; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Goble read and laid on the table the following joint resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Board of Internal Improvement, as soon as practicable in the present year, to cause a survey for a road to be made from the Poplar Plains, in Fleming county, to Louisa, in Lawrence county, in pursuance of, and according to the 8th section of an act of the General Assembly of the Commonwealth of Kentucky, approved Feb. 29, 1836.

The House then took up for consideration the joint resolution heretofore read and laid on the table by Mr. White, upon the subject of the expenditure of part of an appropriation for the improvement of the navigation of Cumberland river.

Mr. McClung moved that said resolution be referred to the committee on Internal Improvement.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. White and Jasper, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Edmonson, | Newell, |
| Anderson, A. | Field, | O'Bannon, |
| Anderson, S. H. | Finn, | Pirtle, |
| Andrews, | Gano, | Pope, |
| Basye, | Goodson, | Ritter, |
| Bledsoe, | Gough, | Rowan, |
| Bodine, | Graham, | Shanklin, |
| Bradley, | Gray, N. E. | Sharpe, |
| Bradshaw, | Haggard, | Slaughter, |
| Brooks, | Hardy, | Sutton, |
| Browder, | Hopkins, | Thomas, |
| Bullock, | Lecompte, | Trimble, |
| Burden, | Marshall, | Waddle, |
| Coleman, | McBrayer, | Wade, |
| Cofer, | McClung, | Walker, |
| Combs, | McElroy, | Wintersmith—50. |
| Cornish, | Meriwether, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Harris, | Riffe, |
| Messrs. Apperson, | Heady, | Rodes, |

| | | |
|---|---|---|
| Bailey, | Howard, | Root, |
| Ballard, | Hughes, | Rowlett, |
| Buford, | Jasper, | Royston, |
| Buckner, | Johnson, | Smith, I. |
| Butler, | McClure, | Smith, L. B. |
| Clay, | McFall, | Sprigg, |
| Coffey, | Mims, | Swope, |
| Daviess, | Morris, | Taggart, |
| Dohoney, | Myers, | Thornburg, |
| Dorton, | Newton, | Todd, |
| Ellison, | Purdy, | Trumbo, |
| Goble, | Redd, | White, |
| Gray, B. E. | Reeves, | Yates—45. |

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Sheriff of Estill county, reported the same with an amendment as a substitute, which was adopted.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be amended to read, "An act for the benefit of the Sheriffs of Estill and Pendleton counties."

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. O'Bannon, from the committee on Military Affairs—A bill for the benefit of Charles S. Gatewood and others.

By Mr. Johnson—A bill to change the place of voting in the Stamping Ground Precinct, in Scott county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

The House then resumed the consideration of the bill to establish the Southern Bank of Kentucky; and after some time spent in the discussion thereof, the hour of 12 o'clock arrived, and the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Todd in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the Speaker re-

sumed the chair; when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

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## SATURDAY, JANUARY 19, 1839.

1. Mr. Hughes presented the remonstrance of sundry citizens of Livingston county, against the formation of a new county out of parts of said county and the counties of Caldwell, Hopkins and Union.

2. Mr. McClung presented the petition of sundry citizens of Mason county, praying a repeal of the law authorizing the granting of license to retail spirituous liquors.

3. Mr. Rodes presented the petition or communication of Richard Chiles, upon the subject of tolls on turnpike roads.

4. Mr. S. H. Anderson presented the petition of the administrators and heirs of John Harvie, dec'd., praying the passage of a law authorizing a sale of certain real estate, and for other purposes.

5. Mr. Ballard presented the petition of John A. Markley, praying the passage of a law exonerating him from the proof of heirship of John A. Sites, and for other purposes.

Which remonstrance, petitions, &c., were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Propositions and Grievances; the 2d to Messrs. McClung, Andrews, Waddle, Basye, Trumbo and Bledsoe; the 3d to the committee on Internal Improvement, and the 4th and 5th to committee for Courts of Justice.

Mr. Shanklin, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, viz:

An act authorizing Thomas Bratcher to build a mill dam across Caney creek.

An act for the benefit of the citizens of Springfield.

An act to authorize the Trustees of Paris to sell a certain lot and street therein.

An act for the benefit of Joseph R. Perkins, and Mary P., his wife.

An act to preserve the original manuscript of the annual messages of the Governors of this State.

An act for the benefit of the Trustees of the Jury Fund in this Commonwealth, and for other purposes.

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

An act for the benefit of Thomas J. Paris.

An act concerning the Meade Circuit Court.

An act for the benefit of John W. Flora.

An act for the benefit of George O. Stovall.

An act authorizing the appointment of a County Treasurer for Pendleton county.

An act supplementary to an act approved 12th February, 1838, for the benefit of Isaac Young.

An act to amend an act to establish a ferry across the Ohio river, at Paducah.

An act to reduce the bounds of the town of Brownsborough.

An act to authorize the Trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off.

An act to authorize the citizens of Louisville to raise and organize a military corps, to be styled the "Louisville Legion."

Also, enrolled bills which originated in the Senate, of the following tities, viz:

An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior Court, and executions to issue in certain cases,

An act for the benefit of Samuel Ingram, late Sheriff of Marion county.

An act to amend an act, entitled, an act for the benefit of Wm. Butler, Clerk of the Monroe County Court, approved 5th Jan. 1839.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred leave to bring in a bill to regulate more effectually the retailing of spirituous liquors in this Commonwealth; and also a resolution directing them to inquire into the expediency of requiring Justices of the Peace to give bond and security for the payment of all monies paid into their hands upon judgments and demands in their office—asked leave to be discharged from the further consideration thereof; which was granted.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred the petition of J. M. McDaniel, reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. S. H. Anderson, from the same committee, made the following report, viz:

The committee on Internal Improvement, to whom the following resolutions were referred, viz:

*Resolved*, That the committee on Internal Improvements be instructed to make the following inquiries, and report the result to this House:

1st. What number of miles of turnpike road has been completed in the State, and at what average cost per mile?

2d. What distance of turnpike road is now under contract and not completed, and at what average cost per mile?

3d. What distance of road has been surveyed, with a view of being put under contract?

4th. What surveys are contemplated by the Board, and what is the distance in miles?

Have had those resolutions under consideration, and in response thereto, would respectfully make the following report:

The number of miles of turnpike road now completed in the State, is 379 miles and 62.100, at an average cost of $6,057 39 per mile.

The distance under contract, and not completed, is 290.69 miles, at an average cost of $4,860 02 per mile.

The aggregate length of the parts under contract, and the detached parts not under contract, is 412.59 miles.

The road from the Crab Orchard to the Cumberland Gap, has been surveyed with a view of being put under contract, so soon as the individual stockholders comply with the conditions of the law.

The committee were informed that the Board contemplated a survey of the Logan, Todd and Christian turnpike road, and a part of the road between Sharpsburg and Flemingsburg. Some surveys of roads contemplated to be improved by grading, have also been ordered; but as they do not come within the scope of the resolution, as understood by the committee, they deem it unnecessary to make any special response in relation to such latter surveys.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Rodes—1. A bill to regulate travelling on turnpike roads, to and from places of public worship, and for other purposes.

On the motion of Mr. Trimble—2. A bill to incorporate the Greenup Iron Company.

On the motion of Mr. Walker—3. A bill for the benefit of Thompson N. Stratton, late Sheriff of Lewis county, and Volvey E. Bragg, his deputy.

On the motion of Mr. Apperson—4. A bill for the benefit of Mary Hughes, an infant.

On the motion of Mr. Bledsoe—5. A bill to lessen the 10th Judicial District in this Commonwealth, and for other purposes.

The committee on Internal Improvement were ordered to prepare and bring in the 1st; Messrs. Trimble, McElroy and Butler the 2d; the committee for Courts of Justice the 3d and 4th, and Messrs. Bledsoe, Basye, Thornburg and Sharpe the 5th.

Mr. McElroy from the committee for Courts of Justice, to whom was referred a bill to incorporate the Livingston Coal Mine and Insurance Company—reported the same with amendments, which were concurred in.

Mr. Apperson moved to amend said bill, by adding thereto the following section, viz:

*Be it further enacted*, That nothing herein contained shall be so construed as to exempt the corporators who may enjoy the provisions of this charter, from being liable in their individual capacity, for all the debts and liabilities of the corporation; and that the State reserves the power to modify, change or repeal this charter.

Mr. Morehead moved the following as a substitute for the amendment proposed by Mr. Apperson, viz:

*Be it further enacted*, That the Legislature, at all times hereafter, reserves the right to alter, modify or abolish this charter.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Apperson and Andrews, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Goodson, | Myers, |
| Basye, | Gray, N. E. | Newell, |
| Bledsoe, | Hughes, | Purdy, |
| Brooks, | Jasper, | Root, |
| Buford, | Johnson, | Rowan, |
| Bullock, | McBrayer, | Rowlett, |
| Butler, | McElroy, | Slaughter, |
| Cofer, | Mims, | Thornburg |
| Finn, | Morehead, | White, |
| Fox, | Morris, | Wintersmith—30. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dohoney, | Pirtle, |
| Messrs. Allen, | Dorton, | Redd, |
| Anderson, A. | Edmonson, | Reeves, |
| Anderson, S. H. | Ellison, | Riffe, |
| Andrews, | Gano, | Rodes, |
| Apperson, | Goble, | Royston, |
| Bailey, | Gough, | Rudd, |
| Blair, | Graham, | Shanklin, |
| Bodine, | Gray, B. E. | Sharpe, |
| Bradley, | Haggard, | Sutton, |

| | | |
|---|---|---|
| Bradshaw, | Hardy, | Taggart, |
| Browder, | Harris, | Todd, |
| Buckner, | Hopkins, | Trimble, |
| Burden, | Howard, | Trumbo, |
| Coleman, | Latimer, | Waddle, |
| Coffey, | McClung, | Wade, |
| Combs, | McClure, | Walker, |
| Cornish, | McFall, | Yates—56. |
| Daviess, | Newton, | |

*Ordered*, That said bill be committed to Messrs. McElroy, Hughes, Mims, Hopkins and Butler.

Mr. Bradley moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of putting under contract, the present year, one lock and dam on Pond river; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Apperson, from the committee for Courts of Justice, to whom was referred a bill to establish Orphans' Courts in this Commonwealth—reported the same with sundry amendments.

*Ordered*, That said bill and amendments be postponed to, and made the special order of the day for Thursday, the 24th inst.

Mr. Buckner, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of the heirs of John T. Langhorne.

An act giving officers, and crews, and mechanics and others, a lien on steamboats.

An act for the benefit of Robert and Jane Middleton.

An act to authorize the Clerk of Trigg county to record certain deeds.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act to change the time of holding the Green Circuit Court,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the latter bill, by Messrs. A. Anderson and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dohoney, | Mims, |
| Messrs. Allen, | Dorton, | Morehead, |
| Anderson, S. H. | Edmonson, | Myers, |

| | | |
|---|---|---|
| Andrews, | Ellison, | Pirtle, |
| Apperson, | Finn, | Purdy, |
| Bailey, | Fox, | Redd, |
| Ballard, | Gano, | Reeves, |
| Basye, | Goble, | Ritter, |
| Blair, | Gough, | Rodes, |
| Bledsoe, | Graham, | Root, |
| Bodine, | Gray, B. E. | Royston, |
| Bradley, | Gray, N. E. | Rudd, |
| Bradshaw, | Haggard, | Sharpe, |
| Brooks, | Hardy, | Slaughter, |
| Browder, | Harris, | Sutton, |
| Buford, | Hopkins, | Swope, |
| Bullock, | Howard, | Todd, |
| Buckner, | Jasper, | Trimble, |
| Burden, | Johnson, | Trumbo, |
| Butler, | Latimer, | Waddle, |
| Cofer, | Marshall, | Wade, |
| Coffey, | McBrayer, | Walker, |
| Combs, | McClung, | White, |
| Cornish, | McClure; | Wintersmith, |
| Daviess, | McElroy, | Yates—75. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Newell, | Shanklin, |
| Coleman, | Riffe, | Sprigg, |
| Goodson, | Rowan, | Taggart, |
| Morris, | Rowlett, | Thornburg,—12. |

Mr. Buckner, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of the heirs of John C. Self.

An act to incorporate the Franklin Mining and Smelting Company.

An act to change the time of holding the Carter County Court.

Reported the same, with amendments to each, which were concurred in.

*Ordered*, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles of the two first be as aforesaid, and the latter be amended to read as follows:

An act to change the time of holding the Carter and Pike County Courts.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled,

An act to amend the charter of the Shepherdsville and Louisville Turnpike Company—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred bills of the following titles, viz:

A bill making an appropriation to build a bridge across Russell's creek, in Adair county, and for other purposes.

A bill to amend an act incorporating a Company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the State line, in a direction to Knoxville.

A bill to provide for the extension of the Lexington, Nicholasville and Danville turnpike road, from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield—reported the same with amendments to each, which were concurred in.

*Ordered*, That said bills be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill to incorporate the Munfordsville Bridge Company—reported with an amendment as a substitute for the bill, which was concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The yeas and nays being required thereon, by Messrs. Sprigg and B. E. Gray, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Cofer, | Morris, |
| Messrs. Allen, | Combs, | Myers, |
| Anderson, A. | Daviess, | Newton, |
| Anderson, S. H. | Dohoney, | Purdy, |
| Apperson, | Dorton, | Redd, |
| Bailey, | Edmonson, | Reeves, |
| Ballard, | Finn, | Rodes, |

| | | |
|---|---|---|
| Basye, | Gano, | Shanklin, |
| Blair, | Goodson, | Sharpe, |
| Bledsoe, | Gray, B. E. | Todd, |
| Bodine, | Gray, N. E. | Trimble, |
| Bradley, | Haggard, | Tumbo, |
| Bradshaw, | Hopkins, | Waddle, |
| Browder, | Howard, | Walker, |
| Buford, | Latimer, | White, |
| Buckner, | McFall, | Wintersmith, |
| Butler, | Morehead, | Yates—51. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Bullock, | Hughes, | Riffe, |
| Burden, | Jasper, | Ritter, |
| Coffey, | Johnson, | Rowlett, |
| Cornish, | McBrayer, | Royston, |
| Ellison, | McClure, | Sprigg, |
| Fox, | McElroy, | Sutton, |
| Goble, | Mims, | Taggart, |
| Gough, | Pirtle, | Wade—25. |
| Hardy, | | |

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of the mechanics of the city of Maysville.

By same—2. A bill to change the venue in the case of John D. Perkins.

By the committee on Internal Improvement—3. A bill authorizing a survey of the road leading over Mount Scratchem and Old Landing hills, in Estill county.

By same—4. A bill to incorporate the Bank Lick Turnpike Road Company.

By same—5. A bill authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county.

By same—6. A bill to prevent frauds on turnpike road companies in this Commonwealth.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of the 1st, 2d, 3d, 4th and 5th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Wintersmith moved a re-consideration of the vote passing a bill from the Senate, entitled, an act to change the time of holding the Green Circuit Court, and it was decided in the affirmative.

*Ordered*, That said bill be recommitted to the committee for Courts of Justice.

On motion of Mr. Rodes,

*Ordered*, That a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, in relation to the disagreement of the two Houses, on a bill from the Senate, entitled, an act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

Whereupon, Messrs. Rodes, S. H. Anderson and Johnson, were appointed said committee.

*Ordered*, That Mr. Rodes inform the Senate thereof.

Mr. Bradley moved a re-consideration of the vote laying on the table until the first day of June next, an engrossed bill, entitled, an act to incorporate the Goulding Patent Bagging Manufacturing Company; and it was decided in the affirmative.

*Ordered*, That said bill be re-committed to the committee for Courts of Justice.

And then the House adjourned.

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## MONDAY, JANUARY 21, 1839.

1. Mr. Apperson presented the petition of sundry citizens of Bath and Montgomery counties, praying the passage of a law repealing all laws authorizing the grant of license to retail spirituous liquors.

2. Mr. Bullock presented the petition of Joshua D. Grant, and Nancy Ann Grant, his wife, (with other documents,) praying to be divorced from each other.

3. Mr. Fox presented the petition of sundry citizens of the town of Richmond, praying the passage of a law exempting the members of the fire company in said town, from militia duty.

4. Mr. Wintersmith presented the petition of sundry citizens of the town of Hodgenville, praying the passage of a law incorporating said town.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. McClung, Apperson, Waddle and Basye; the 2d to the committee on Religion; and the 3d and 4th to the committee for Courts of Justice.

On motion of Mr. A. Anderson,

*Ordered*, That Mr. Ritter be added to the committee on the Expenditures of the Board of Internal Improvement.

Mr. Blair moved the following resolution, viz:

*Resolved*, That the committee on Military Affairs be instructed to inquire into the propriety and expediency of repealing all laws allowing compensation to Adjutants for their services; and that they report by bill or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Thornburg—1. A bill to alter the mode of summoning Grand Jurors.

On the motion of Mr. Thomas—2. A bill for the benefit of the widow and heirs of Thomas T. Eubank.

On the motion of Mr. Hopkins—3. A bill to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

On the motion of Mr. Gough—4. A bill for the benefit of Edward T. Abell and Mentor A. Shanks.

On the motion of Mr. Harris—5. A bill for the benefit of Peyton Justice, of Pike county, and for other purposes.

On the motion of Mr. Goble—6. A bill to legalize certain proceedings of the Morgan County Court.

On the motion of Mr. Ellison—7. A bill to appropriate a sum of money to improve the road from Columbia, by way of Burksville, to the Tennessee line.

On the motion of Mr. Daviess—8. A bill for the benefit of Joseph McDowell.

On the motion of Mr. Cornish—9. A bill to establish a road from Harrodsburg, in Mercer county, in the direction of Bloomfield, to intersect the Delaney's old road leading from Bardstown to Lexington.

On the motion of Mr. Buckner—10. A bill for the benefit of Joseph McMillen, of Russell county.

On the motion of Mr. Slaughter—11. A bill to allow an additional Justice of the Peace for Nelson county.

The committee for Courts of Justice were ordered to prepare and bring in the 1st and 10th; Messrs. Thomas, Goodson and Swope the 2d; Messrs. Hopkins, N. E. Gray, Bradshaw and Bradley the 3d; the committee on Claims the 4th and 8th; Messrs. Harris, S. H. Anderson and Goble the 5th; Messrs. Goble, Blair and Ellison the 6th; the committee on Internal Improvement the 7th; Messrs. Cornish, McBrayer, Rudd and Daviess the 9th, and Messrs. Slaughter, Bodine and Allen the 11th.

A message was received from the Senate, announcing the passage of a bill, entitled, an act to amend the charter of the city of Louisville.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By Mr. Basye—1. A bill for the benefit of George W. Williams, and others.

By Mr. Slaughter—2. A bill to allow an additional Justice of the Peace for Nelson county.

By Mr. McElroy, from the committee for Courts of Justice—3. A bill for the benefit of the Sheriff of Madison county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was committed to the committee on Military Affairs, and the 2d and 3d severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d and 3d bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend the charter of the city of Louisville,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Jasper—1. A bill to reduce the salary of the Register of the Land Office, and add to the salary of the clerks of said office, and for other purposes.

On motion of Mr. Buford—2. A bill for the benefit of Ransom Laswell.

*Ordered*, That Messrs. Jasper, White, Yates and Royston prepare and bring in the 1st, and the committee for Courts of Justice the 2d.

The House then resumed the consideration of the bill to establish the Southern Bank of Kentucky.

Mr. S. H. Anderson moved to amend said bill, by striking out of the first section, the words "three millions."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. S. H. Anderson and Allen, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Coleman, | Johnson, |
| Messrs. Anderson, A. | Coffey, | Morehead, |
| Anderson, S. H. | Combs, | Morris, |
| Apperson, | Cornish, | Myers, |
| Bailey, | Dorton, | Rodes, |
| Ballard, | Finn, | Rowlett, |

| | | |
|---|---|---|
| Basye, | Fox, | Royston, |
| Bledsoe, | Goble, | Shanklin, |
| Bradley, | Graham, | Sharpe, |
| Brooks, | Haggard, | Slaughter, |
| Buford, | Hardy, | Waddle, |
| Bullock, | Harris, | Walker—36. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Hopkins, | Ritter, |
| Blair, | Howard, | Root, |
| Bodine, | Hughes, | Rowan, |
| Bradshaw, | Jasper, | Rudd, |
| Browder, | Marshall, | Smith, I. |
| Buckner, | McBrayer, | Smith, L. B. |
| Burden, | McClung, | Sprigg, |
| Butler, | McClure, | Sutton, |
| Cofer, | McElroy, | Taggart, |
| Daviess, | McFall, | Thomas, |
| Dohoney, | Mims, | Thornburg, |
| Edmonson, | Newton, | Todd, |
| Ellison, | Pirtle, | Trimble, |
| Goodson, | Purdy, | Trumbo, |
| Gough, | Redd, | Wade, |
| Gray, B. E. | Reeves, | Wintersmith, |
| Gray, N. E. | Riffe, | Yates—52. |
| Heady, | | |

Mr. McClure then moved the following proviso to the 11th section of said bill, viz:

Provided, The president and directors of the mother bank shall locate one branch in the fourth Congressional District, composed of the counties of Adair, Cumberland, Clinton, Russell, Casey, Pulaski, Wayne, Rockcastle and Whitley, at such place, within said district, as a majority of the stockholders therein, to said bank, shall agree upon; and in case they shall not agree on said place at a full meeting, or three fourths thereof, then, and in that event, the president and directors of the mother bank shall appoint the place of location of said branch, within the limits of the district aforesaid.

Mr. McElroy then moved the previous question, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McElroy and McClure, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Graham, | Rowan, |
| Basye, | Gray, B. E. | Shanklin, |
| Bodine, | Haggard, | Sutton, |
| Browder, | Hopkins, | Swope, |
| Butler, | McBrayer, | Thornburg, |
| Cofer, | McElroy, | Todd, |

| | | |
|---|---|---|
| Edmonson, | Mims, | Trimble, |
| Finn, | Newton, | Waddle, |
| Goodson, | Pirtle, | Wade, |
| Gough, | Riffe, | Walker—30. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Purdy, |
| Messrs. Anderson, A. | Ellison, | Reeves, |
| Anderson, S. H. | Fox, | Ritter, |
| Apperson, | Goble, | Rodes, |
| Bailey, | Gray, N. E. | Root, |
| Ballard, | Hardy, | Rowlett, |
| Blair, | Harris, | Royston, |
| Bledsoe, | Heady, | Rudd, |
| Bradley, | Howard, | Slaughter, |
| Brooks, | Hughes, | Smith, I. |
| Buford, | Jasper, | Smith, L. B. |
| Bullock, | Johnson, | Sprigg, |
| Buckner, | Marshall, | Taggart, |
| Burden, | McClung, | Thomas, |
| Coleman, | McClure, | Trumbo, |
| Coffey, | McFall, | White, |
| Cornish, | Morehead, | Wintersmith, |
| Daviess, | Morris, | Yates—56. |
| Dohoney, | Myers, | |

The question was then taken upon the adoption of said amendment, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McClure and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Purdy, |
| Messrs. Anderson, S. H. | Dohoney, | Riffe, |
| Apperson, | Dorton, | Rodes, |
| Bailey, | Edmonson, | Rowlett, |
| Ballard, | Fox, | Royston, |
| Basye, | Goble, | Shanklin, |
| Blair, | Graham, | Slaughter, |
| Bledsoe, | Hardy, | Smith, I. |
| Bodine, | Harris, | Smith, L. B. |
| Bradley, | Heady, | Swope, |
| Browder, | Howard, | Thomas, |
| Buford, | Marshall, | Todd, |
| Bullock, | McBrayer, | Trimble, |
| Buckner, | McClure, | Trumbo, |
| Burden, | McFall, | Wade, |
| Coleman, | Morris, | White, |
| Coffey, | Myers, | Wintersmith—52. |
| Combs, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gray, N. E. | Reeves, |
| Anderson, A. | Haggard, | Ritter, |
| Bradshaw, | Hopkins, | Rowan, |
| Brooks, | Hughes, | Rudd, |
| Butler, | Jasper, | Sharpe, |
| Cofer, | Johnson, | Sprigg, |
| Cornish, | McClung, | Sutton, |
| Ellison, | McElroy, | Taggart, |
| Finn, | Mims, | Thornburg, |
| Goodson, | Morehead, | Waddle, |
| Gough, | Newton, | Walker, |
| Gray, B. E. | Redd, | Yates—36. |

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Todd in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the speaker resumed the chair; when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

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## TUESDAY, JANUARY 22, 1839.

1. Mr. Gano presented the petition of the Board of Trustees of the town of Georgetown, praying the repeal of all laws authorizing the grant of license to retail spirituous liquors.

2. Mr. Shanklin presented the petition of Wm. Pierce, praying a change of venue in a criminal prosecution, pending against him in the Jessamine Circuit Court.

3. Mr. Morehead presented the petition of Susan Trigg, praying the passage of a law refunding to her a sum of money paid by her late husband, in his life time, towards the building of the Capitol, in the town of Frankfort.

4. Mr. Mr. L. B. Smith presented the petition of sundry citizens of Fayette county, praying the passage of a law preventing settlers on lands from

so disposing of the same as to allow them to become witnesses in controversies in relation to such lands.

5. Mr. Hardy presented the petition of sundry citizens of Barren county, praying the passage of a law establishing an election precinct in said county.

6. Mr. Buford presented the petition of Elijah Evans and others, praying the remission of a fine of $100, inflicted against said Evans in the Laurel Circuit Court.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 6th to the committee on Ways and Means; the 2d and 4th to the committee on Courts of Justice; the 3d to the committee on Claims, and the 5th to the committee on Privileges and Elections.

The Speaker laid before the House the annual report of the Trustees of the Cumberland Hospital, which is as follows, viz:

| CUMBERLAND HOSPITAL, | DR. |
|---|---|
| To William Smith, Keeper, for boarding and attendance of patients, 579 5/7 weeks, at $3 50, | $2,029 00 |
| " Same, for funeral expenses 21 persons, ta $6, | 126 00 |
| " Same, for washing 227 doz. pieces, at 50 cts. | 113 50 |
| " Same, for making pillow slips, ticks, towels, counterpanes, sheets and shirts, | 17 12 |
| " Same, for brandy, wine, and linseed oil, | 4 75 |
| " Same, for attending 2 men with smallpox 52 days, at $1 50 | 78 00 |
| " W. Gordon, his bill, blankets, &c. | 25 00 |
| " F. W. Weller, his bill, bathing tub, | 18 00 |
| " Styles, for shingling, and shingles, kitchen, | 28 00 |
| " Doct. D. B. Sanders, calls, by bill, medicine, | 15 36 |
| " W. & C. Fellowes, for mattresses, freight, &c. | 261 30 |
| " B. & R. Hodges, for Blankets, | 12 00 |
| " Thos. McCormick, his bill, domestic ticking, and blankets, | 84 21 |
| " Doct. D. B. Sanders, for 9 monts services, as attending Physician, | 225 00 |
| | $3,037 24 |

| CONTRA. | CR. |
|---|---|
| By cash in the hands of Thos. McCormick, to pay for mattresses, Nov., 1837, | $ 200 00 |
| " Amount of appropriation for 1838, | 1,500 00 |
| " Cash from sundry persons, | 31 38 |
| | 1,731 38 |
| | 3,037 24 |
| | $1,305 86 |

cide, or settle the business. Our opinion is that the money has been expend-

Which leaves the institution in debt thirteen hundred and five dollars and eighty six cents, to be provided for, together with the necessary appropriation for the present year. We received our commission, as Trustees of the Hospital, early in the month of March, last, and in a few days thereafter, were sworn into office, by James C. Leach, Esq., and on the first day of April, entered on the discharge of our duties, by taking entire control and management of said institution. There was no one denied our right to act as Trustees, so far as we ever heard. There was no other body who claim ed to be the Trustees of said Hospital, so far as we know or believe. On the 18th day of August, we addressed the following note, by Mr. Smith, the Keeper of the Hospital, to the late Trustees:

SMITHLAND, Ky., August 18th, 1838.

"Gentlemen:—You will please deliver to William Smith, all the books and papers, in your possession, belonging to the Cumberland Hospital. You will, also, please render an account, shewing the balance (if any) of the funds of said Hospital remaining in your hands. Your early attention to this, will oblige your obedient servants,

WM. GORDON,
THO'S. M'CORMICK,
BENJ. BARNES,
*Trustees of the Cumberland Hospital.*

To JAMES MCCAULEY,
D. W. PATTERSON, and
THOS. WILLIS,
*Late Trustees of the Cumberland Hospital.*

To this note we received no reply whatever. Late in November, or early in December, we called upon one of the late Trustees, (D. W. Patterson) who promised the next day to hand us a report, "*as we hud then called upcn them in a formal manner*;" the next day passsed without hearing from them. In a few days afterwards, somewhat to our astonishment, we heard of said D. W. Patterson having left home for New Orleans; we awaited his return, called upon him again, when he informed us "the old Trustees" had come to the conclusion, we were not the Trustees of the Hospital, owing to the fact that we had not entered into bond and security in the county court of Livingston county. To remove the only obstacle that appeared in the way, on last Monday, being county court day, we entered into bond and security, as you will discover from the certificate of the clerk, which is herewith sent, and we beg it may be considered a part of this report. We will briefly state the reasons why bond and security was not given last spring. The acts of the Legislature did not reach this town till late in the fall, and the first intimation we had that we should enter into bond and security, by the amended law, was at the September term of the circuit court. We had then expended nearly, or quite, all the money that had come into our hands, and thought it not worth while to ride 15 miles, to Salem, to give bond, when there was nothing to expend. After having given bond, as required by law, we again called upon two of the late Trustees; one said he had nothing to do with the money, nor the institution, for about 12 months; the other said they had reported to the Legislature, and that they must de-

ed, and that it is not altogether convenient to pay it, and all the excuses, reasons, &c., that have been given, are subterfuges to procrastinate. We have no doubt the Legislature will view in their proper light, men who, under any pretext, withhold money from such an institution as the Cumberland Hospital, founded in the feelings of philanthropy, sustained by the charity of the magnanimous sons of Kentucky, to relieve the pains and sufferings of the poor afflicted watermen who are so fortunate as to reach this place. The amount in the hands of the late Trustees, we supposed to be about six hundred dollars, but it may be more or less. There has been one hundred and eighty three patients admitted into the Hospital since last report, including the few remaining when said report was made. This report brings every transaction to the 1st of January, inst. The last report was made, as we discover from the Keeper's books, on the 25th day of November, 1837. We have not been able to get the books belonging to the institution. We think an appropriation of two thousand dollars, in addition to the amount necessary to pay present debts, ($1305 86) will be required for the support of the institution, for the present year. We are not yet able to state, with any thing like precision, what amount we will get from the Treasury of the United States. We are of the opinion that the amount from that source, for 1837, by our predecessors, (now withheld) is about $600. We calculate on at least an equal sum for the year 1838, which has just terminated. We hope, on a full examination of this report, that you will be perfectly satisfied of one thing—that is, that we have not misapplied a dollar of the money intrusted to our care and management. We will take the liberty to observe that the mattresses and bathing tub were ordered, and received, before we came into office, but not paid for. All of which is respectfully submitted.

WM. GORDON,
THOS. M'CORMICK,
BENJAMIN BARNES,
RICHARD OLIVE,
*Trustees of the Cumberlank Hospital.*

SMITHLAND, KY., *January 12th*, 1839.

THE COMMONWEALTH OF KENTUCKY,
*Livingston County Court, Januury 7*, 1839.

On this day, Jesse Patterson produced in open Court, a commission from his Excellency, the Governor of this Commonwealth, appointing William Gordon, Thomas McCormick, Benjamin Barnes, Richard Olive, and Jesse Patterson, Trustees of the Cumberland Hospital; who, in conformity with law, executed bond, in the penalty of six thousand dollars, with Joseph Watts, J. L. Dallam, and W. P. Fowler, their security; which bond, after being signed by Jesse Patterson, in person, and as attorney for Gordon, McCormick, Barnes, and Olive, for that purpose, was approved by the Court.

A copy—Teste,

JAMES L. DALLAM, *Cl'k.*

On motion of Mr. Bullock—Leave was given him to withdraw the petition of Joshua D. Grant, praying to be divorced from his wife, Mary A. Grant; which was accordingly withdrawn.

Mr. Bullock moved the following resolutions, viz:

*Resolved*, That the committee on the Library be instructed to inquire into the expediency and probable cost of purchasing a well bound copy of the Debates in the Congress of the United States, from the commencement of the first session thereof, down to the present time.

*Resolved*, That said committee be further instructed to inquire into the expediency and probable cost of purchasing a copy of the Debates and Journal of the General Convention, forming our Federal Constitution.

Which being read, was laid on the table for the present.

Mr. Bledsoe moved the following resolution, viz:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the law of the last session, establishing a system of common schools in this State, as to permit parts of adjoining counties to be included in the same school district, where the convenience of the neighborhood would be promoted thereby.

Which being twice read, was adopted.

On motion of Mr. Gano—Leave was given him to withdraw the petition of the Clerks of the Scott County and Circuit Courts, praying additional compensation for transcribing the burnt records in their offices; which was accordingly withdrawn.

On motion of Mr. Hughes—Leave was given to withdraw the petition of the citizens of the town of Smithland; which was accordingly withdrawn.

A message was received from the Senate, announcing the passage of a bill from this House, entitled,

An act to change a part of the State road from Brandenburg to Bowling-green.

And the passage of bills from the Senate of the following titles, viz:

An act to allow an additional Justice of the Peace to Barren county.

An act to anthorize the city of Lexington to borrow money for certain purposes.

Mr. O'Bannon, from the committee on Military Affairs, to whom was referred bills from the Senate, of the following titles, viz:

An act to legalize the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia.

An act releasing James Squires from all liability upon his bond, executed to the Quarter Master General, for arms, in the year 1833.

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. S. H. Anderson,

*Ordered*, That the Public Printer be released from printing in the Jour-

nal, the Diagram accompanying a communication from General Edmund P. Gaines, upon the subject of railroads.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Swope, from the committee on Privileges and Elections—1. A bill to change the place of voting from the house of Henry Haynie, in Lawrence county, to that of James Rous, in said county, and to abolish an election precinct in Hardin county.

By Mr. Daviess—2. A bill to extend the Constable's district for the town of Salvisa, in the county of Mercer.

By Mr. O'Bannon, from the committee on Military Affairs—3. A bill for the benefit of the Madison Troop of Cavalry.

By same—4. A bill to change the bounds of the Seventh Division of Kentucky Militia, and for other purposes.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 2d and 3d were severally ordered to be engrossed and read a third time, and the 4th re-committed to the committee on Military Affairs.

The rule of the House, constitutional provision and third reading of the 1st, 2d and 3d bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. O'Bannon, from the committee on Military Affairs, to whom was referred a bill to amend an act, entitled, an act to amend the militia law of this State, reported the same without amendment.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. N. E. Gray—1. A bill for the benefit of A. L. Hargus, late Sheriff of Christian county.

On motion of Mr. Gano—2. A bill to charter the Newton Society of Bacon College.

On metion of Mr. Morris—3. A bill to improve the road from Manchester in Clay county, to Irvine, in Estill county.

On motion of Mr. White—4. A bill for the benefit of the Whitley Seminary of Learning.

*Ordered*, That the committee of Ways and Means prepare and bring in the 1st; the committee on Education the 2d; the committee on Internal Improvement the 3d, and Messrs. White, Johnson and Buford the 4th.

The House then resumed the consideration of the bill to establish the Southern Bank of Kentucky.

Mr. Hardy moved a reconsideration of the vote by which the amendment offered by Mr. McClure was adopted; and after some discussion had thereon, and the hour of 12 o'clock arrived, the House proceeded to the consideration of the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Todd in the chair, on the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some time spent therein, the Speaker resumed the chair; when Mr. Todd reported that the committee had, according to order, had under consideration the bill aforesaid, and had made sundry amendments thereto, which he handed in at the Clerk's table.

And then the House adjourned.

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## WEDNESDAY, JANUARY 23, 1839.

Mr. Root presented the petition of Thomas Carrico, praying to be divorced from his wife, Nancy Carrico.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

A message was received from the Senate, announcing that they had concurred in the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act for the benefit of the heirs of John C. Self.

An act to change the time of holding the Carter County Court.

An act to incorporate the Franklin Mining and Smelting Company.

And that they had passed bills of the following titles, viz:

An act to amend an act, dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets, to be lodged with the Secretary of State by the Banks of this Commonwealth.

An act for the benefit of Harman Hurst.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act to authorize the Register of the Land Office to register certain plats and certificates of survey made in Warren county, in 1838.

An act to appoint Trustees for the town of Summersville.

An act for the benefit of the Spencer county Seminary.

An act for the benefit of the heirs of Francis Blaydes, dec'd.

An act to amend an act incoroporating the stockholders of the Merchants' Louisville Insurance Company.

An act for the benefit of Mason W. Sherrell.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, dec'd., approved Feb. 16, 1838.

An act to repeal the 10th section of an act to incorporate a fire company in the town of Cynthiana, and for other purposes—approved January 27th, 1838.

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county—approved January 27, 1838.

The Speaker laid before the House the report of H. Blanton, the agent of the Old Bank of Kentucky, in response to a resolution adopted by this House—which is as follows, viz:

OLD BANK OF KENTUCKY,
*January* 21, 1839.

SIR:

In obedience to a resolution of the House of Representatives, I herewith inclose a list of the debts due to the Old Bank of Kentucky.

It will be seen by the list, that nearly all the debts have been placed in suit. Such is the case in all instances, except where it was ascertained that the parties were entirely insolvent, or where the debts would certainly be paid without suit.

It is perhaps true, that many of these debts might have been collected sooner, by a more rigid exaction; but owing to the suspension of specie payments on the part of the Banks, and the great derangement in the monied concerns of the country for the last two years, it was ascertained that great distress and sacrifice of property would be the consequence of such a course. I, therefore, whenever the debt was undoubtedly secured, forbore to press its collection by legal coercion. In other instances, debts were suspended by injunction, and other dilatory proceedings, which could not be prevented.

That condition of the country which made some forbearance necessary having ceased to exist, a more rigid course of collection has been adopted, and will be enforced.

It may not be improper to state that the compensation of the agent is a per centage only, and consequently depends on the amount which he may be enabled to collect. No officer receiving a salary, is now employed in the institution.

The column giving the residence of the debtors, refers to the principal in those debts; and where the residence is not given, it is not known.

No agent or agents have been appointed to collect or compromise any debt or debts due to the institution, except the lawyers in whose hands they have been placed for suit.

All compromises which have been made since my agency, have been by and with the advice and consent of James Davidson and James Shannon, who are directors of the institution. The list of those compromises are herewith also enclosed.

Very respectfully,

H. BLANTON, *Agent.*

*To the Hon.* R. P. LETCHER,
*Speaker of the House of Representatives.*

*A List of Debts due to the Old Bank of Kentucky, in suit.*

| Principal. | Securities. | Amount. | Credits. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Samuel Bryarly, | Daniel Paul and J. Hunter, | 212 00 | | | |
| Do. | John and James Hunter, | 264 00 | | | |
| David Dodge, | Geo. Morton, J. Wilson, S. W. Robbins & Jno. Coons, | 10,000 00 | 3,625 00 | New York. | Coons paid $3,625 on compromise, and was released. |
| Do. | S. W. Robbins, Geo. Norton and John Wilkinson, | 5,000 00 | | | |
| Joseph Logan, | Jas. Hunter and S. Bryarly, | 70 00 | | | |
| Thomas D. Owings, | Thos. Fletcher & W. Sudduth, | 6,440 00 | 1,500 00 | Bath. | $1,500 paid by Sudduth. |
| Daniel Paul, | John Henton and S. Bryarly, | 208 00 | 137 51 | | |
| John Paul, | Daniel Paul and S. Bryarly, | 68 00 | 36 20 | | |
| Francis Adair, | W. Roseberry & S. G. Mitchell, | 130 00 | 98 00 | | |
| James Findlay, | J. & J. Paton and Thos. Hall, | 600 00 | | | |
| George W. Timberlake, | James Miller and James Paton, | 50 00 | 21 16 | dead. | |
| Thomas Bodley, | J. H. Morton, | 2,500 00 | | dead. | |
| Robert Clark, | Jesse W. Garner & Jonathan Taylor. | 1,400 00 | 300 00 | Estill. | |
| David Dodge, | E. Crosthwait, R. Brooking, J. Wilkinson, S. W. Robbins, | 2,000 00 | | New York. | |
| John Gordon & Co., | John Wilkinson, E. Crosthwait, | 2,000 00 | 781 65 | New York. | |
| Joseph Stith, | Amos Denham and J. Brothers, | 560 00 | | Montgomery. | |
| Richard Burton, | J. H. Gentry, Jesse W. Burton, | 270 00 | 50 00 | Missouri. | |
| Alexander M. Barnett, | | 141 00 | | | |
| James McBride, | Levi Williams, | 255 00 | 175 00 | | |
| James Munday, | J. A. and Willis Grimes, | 100 00 | | Mercer. | Collected by Sheriff of Mercer. |
| Alexander Patrick, | Richard C. Holder, | 145 00 | 137 27 | Madison. | |
| H. W. Pauling, | Ro. McConnell and John Gill, | 316 00 | 78 03 | | |
| Samuel Ayres, | Bushrod Boswell, | 140 00 | | dead. | |

| | | | | | |
|---|---|---|---|---|---|
| H. W. Pauling, | Ro. McConnell and John Gill, | 316 00 | 78 03 | | |
| Samuel Ayres, | Bushrod Boswell, | 140 00 | | dead. | |
| Do. | Ben Stout, And'w McCalla, | 300 00 | 11 12 | dead. | |
| Thomas Bodley, | J. H. Morton, | 3,600 00 | 3,135 45 | dead. | |
| Do. | J. H. Morton, and C. Coyle, | 2,000 00 | 1,525 03 | dead. | |
| Nathan Burrows, | A. McCalla and Ben. Stout, | 1,650 00 | 1,081 99 | Lexington. | |
| Charles Buck, | Peter C. Buck, | 245 00 | 258 29 | dead. | Principal paid, and part of interest. |
| Thomas J. Crittenden, | Alexander Parker, | 1,842 00 | 377 68 | dead. | |
| Robert Grinstead, | Lewis Sanders, | 750 00 | 558 54 | Lexington. | |
| Do. | Stephens and Dallam, | 750 00 | 558 55 | Lexington. | |
| Daniel Halstead, | property mortgaged, | 4,309 80 | 2,300 00 | | |
| Do. | John Eades, | 1,900 00 | 350 00 | | $350 paid by Eades, on compromise. |
| Thomas P. Hart, | J. H. Morton, | 450 00 | | Louisville. | |
| James B. January, | Thomas January, | 600 00 | | dead. | |
| Thomas January, | | 1,500 00 | 1,450 00 | dead. | |
| Archibald Kinkead, | Landy Lindsay, | 180 00 | | dead. | |
| Abner Le Grand, | J. and D. Maccoun, | 4,850 00 | 5,753 16 | Lexington. | |
| Do. | John Todd, Jr. | 2,500 00 | | Lexington. | |
| David Maccoun, | Do. | 400 00 | | | |
| Do. | J. Todd, Jr., and Th. H. Pindell, | 3,000 00 | | | |
| Samuel Long, | J. and D. Maccoun, | 500 00 | | | |
| Robert McNitt, | Lewis Sanders, | 250 00 | 80 49 | dead. | |
| Robert McCullough, | Robert Grinstead, | 180 00 | | | |
| A. McCalla, S. Allen & Thomas January, | Stephen Chipley, | 2,100 00 | 1,399 01 | dead. | |
| John McKinney, Sr., | John McKinney, Jr., | 210 00 | 79 92 | dead. | |
| John Maxwell, Jr., | John Fisher, | 150 00 | | | |
| Meriman & Baxter, | Robert McGowan & Co., | 292 34 | | | |
| Rob't McGowan & Co., | D. Williamson and J. Todd, Jr., | 721 66 | | | |
| Thomas H. Pindell, | J. and D. Maccoun, | 177 28 | | | |
| Samuel B. Smith, | Levi Todd, | 400 00 | | | |

List of Debts, continued—In suit.

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| J. B. N. Smith, Cashier, | J. & Thomas G. Prentiss, | 3,000 00 | | | |
| Tandy & Allen, | Ch. Chinn, | 2,100 00 | | dead. | Security released for want |
| John D. Young, | B. Blount, | 300 00 | 196 00 | Louisville. | of legal notice of protest. |
| William Akin, | Geo. Caldwell & B. H. Perkins, | 3,168 00 | | | |
| Jesse Coffee, | Osburn Coffee, Geo. Portman, C. Riffe and John Riffe, | 864 00 | 732 56 | Lincoln. | |
| George S. Clarke, | G. Lee, R. H. Lee, & J. Murrell, | 174 00 | 200 00 | Lincoln. | |
| Samuel H. Curd, | Spencer Curd and Wm. Curd, | 1,162 48 | | dead. | |
| Spencer Curd, | S. H. Curd, | 750 00 | | dead. | |
| David G. Cowan, | Jehu Harlan and J. C. Harlan, | 1,800 00 | 1,670 66 | dead. | |
| Wm. Crutchfield, | Benjamin H. Perkins, | 300 00 | 16 32 | | |
| George Caldwell, | B. H. Perkins & A. J. Caldwell, | 4,300 00 | 2,002 10 | | |
| Willis Curd, | B. H. Perkins, B. C. Johnson and W. Akin, | 2,784 00 | 500 00 | Jessamine. | |
| Silas Harlan, | David G. Cowan, | 170 00 | 11 56 | Mercer. | |
| Ibzan King, | John Finlay, | 40 00 | 7 20 | | |
| Joseph Perkins, | E. Perkins and B. H. Perkins, | 490 00 | | | |
| Edmund Perkins, | W. Akin and B. H. Perkins, | 1,006 00 | 750 00 | | |
| Robert B. Patton, | G. Lee, R. H. Lee, & J. Murrell, | 174 00 | | | |
| B. H. Perkins, | J. B. Curd and J. S. Perkins, | 350 00 | 70 00 | | |
| B. H. Perkins, | Edm'd Perkins, Geo. Caldwell, | 1,350 00 | 1,608 43 | | |
| Do. | Geo. Caldwell & William Akin, | 5,200 00 | | | |
| Christopher Riffe, | John Riffe and Jesse Coffee, | 148 00 | 152 00 | Casey. | |
| Whitford White, | J. & S. Keller, | 100 00 | | | |
| John Wilson, | Wm. Akin and John Finlay, | 1,728 00 | 1,364 30 | dead. | |
| John Adams, | Eli Adams and Otho Adams, | 180 00 | 178 20 | Washington. | |

| | | | | | |
|---|---|---|---|---|---|
| John Wilson, | Wm. Akin and John Finlay, | 1,728 00 | 1,364 30 | dead. | |
| John Adams, | Eli Adams and Otho Adams, | 180 00 | 178 20 | Washington. | |
| Adam Bradford, | John Wade and Basil Speak, | 335 00 | 299 00 | Washington. | |
| William Brown, | Benj. Balds and J. Calhoun, | 155 00 | 100 00 | Washington. | |
| Leroy Gregory, | | 6,408 00 | 6,336 00 | dead. | |
| Do. | Waters & Hughes, | 1,110 00 | 821 75 | dead. | Paid by Waters and |
| W. Glasscock, | Th. C. Roberts and P. Cozine, | 118 51 | 60 00 | Washington. | Hughes, on compromise. |
| Hiram French, | Martin Hardin, | 31 00 | 56 | Washington. | |
| U. S. Gregory, | L. Gregory, | 125 00 | 3 68 | | |
| N. H. Hall, | J. & T. Muldrow, | 2,445 00 | | Fayette. | Thirty shares of residuary |
| James Hughes, | W. T. Phillips and R. H. Nantz, | 1,960 00 | | dead. | stock paid. |
| James R. Hughes, | Jack Jouitt, | 200 00 | | Union. | |
| William E. Head, | James P. Knot, | 40 00 | | Washington. | |
| Jack Jouitt, | J. Jeffreys and W. E. Head, | 530 00 | 183 00 | Montgomery. | |
| James P. Knot, | George McKay, | 490 00 | 317 62 | | |
| Joseph B. Lancaster, | | 900 00 | 816 75 | Florida. | |
| Stephen Lee, | W. B. Watts and J. S. Watts, | 217 00 | 89 66 | Missouri. | Enjoined by securities. |
| John McAllister, | J. Hughes, jr., J. Calhoun, W. B. Booker and S. Robertson, | 82 00 | 61 81 | | Balance in hands of Att'y. |
| Joseph G. McClelland, | John Hughes, jr., | 55 00 | | | |
| Thomas C. Roberts, | Sam'l Robertson & John Wade, | 1,033 00 | 861 66 | dead. | |
| Robert H. Nantz. | T. W. Nantz and Jas. Hughes, | 2,125 00 | 520 00 | dead. | |
| Do. | | 150 00 | | | |
| William G. Steele, | N. H. Hall, L. B. Smith, J. B. Lancaster & W. B. Booker, | 80 00 | 56 00 | | Balance in hands of Att'y. |
| Matthew Tucker, | Fr. Coppege and J. H. Tucker, | 110 00 | 50 00 | | |
| C. M. Way, | Joseph B .Lancaster, | 150 00 | | Louisville. | Additional security taken, |
| Jeremiah Wade, | John Janes and Thomas Janes, | 378 00 | 330 00 | | and time given. |
| Thomas J. Wathen, | J. Jeffries, | 25 00 | | | |
| John Wade, | W. H. Hayes, | 65 00 | 11 42 | dead. | |
| Do. | Jeremiah Wade and Jno. Janes, | 163 00 | 19 36 | | |
| Do. | Jeremiah Wade, | 164 00 | 20 28 | | |

List of Debts, Continued—In suit.

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| John Wade, | J. Adams, J. Jeans, I. H. Parrot, | 350 00 | 43 40 | dead. | |
| Beall & Baldwin, | | 602 35 | | Nelson. | |
| John Crozier, | | 386 64 | | dead. | |
| John R. Davis, | Thos. Calvert and H. L. Minor, | 50 00 | | | |
| P. W. Grayson & Co. | Wm. P. Duvall and L. Quinton, | 656 00 | 400 00 | dead. | |
| Do. | Do. do. | 546 00 | 245 00 | dead. | |
| Hezekiah Hawley, | John L. Murray, | 150 00 | 110 00 | Illinois. | |
| James Larue, | S. Larue, J. Hodgen, W. Larue, | 1,536 00 | | Hardin. | Suit to subject other debts |
| Hector McLean, | Samuel McLean, | 250 00 | | dead. | |
| R. A. Maupin, | N. B. Beall and W. C. Galt, | 1,173 00 | | dead. | Part of this debt secured. |
| James T. Pendleton, | J. T. Pendleton, J. Castleman, | 4,500 00 | | dead. | J. T. Pendleton released. |
| John Reed, | W. Tilford, Matthew Wilson, C. A. Wickliffe, S. Carpenter, | 4,200 00 | 3,144 02 | dead. | Enjoined in Nelson Circuit Court. |
| Peter Sebert, | | 58 50 | | | |
| Samuel Simmons, | W. Tilford, William Trueman, and Joseph Swearingen, | 220 00 | 152 06 | | |
| Walter Trueman, | Josiah Crawford, H. Briscoe, | 112 00 | 100 00 | | |
| Benjamin Wells, | George Wells. Ur. Hughes, | 40 00 | 3 19 | | |
| Martin Blake, | J. C. Johnson, Worden Pope, | 700 00 | 400 00 | dead. | |
| James Blair, | H. M. Shreve, I. Pryor, A. Miller | 850 00 | | | |
| Bell & Tunstall, | J. P. Tunstall, J. Bell, and H. B. Tunstall, | 430 00 | | Jefferson. | |
| A. L. Campbell, | Worden Pope, I. Gheer J. Lee, | 250 00 | | dead. | |
| William Elliott, | J. H. Overstreet, Jacob Miller, | 270 00 | | | |
| George R. C. Floyd, | James Pryor, | 1,500 00 | | dead. | |
| John Gwathmey, | R. A. Maupin, E. Tyler, jr. | 4,000 00 | 2,090 07 | | |

| | | | | | |
|---|---|---|---|---|---|
| John Gwathmey, Richard A. Maupin, W. T. Phillips, C. M. Thruston, Robert Todd, R. S. | R. A. Maupin, E. Tyler, jr. | 4,000 00 | 2,090 07 | dead. | |
| | W. C. Galt, N. B. Beall, | 2,500 00 | | dead. | Beall released by Board of Directors on compromise. |
| | James Hughes, N. H. Hall, | 690 00 | | | |
| | Daniel Wilson, J. H. Tyler, | 369 00 | 276 25 | Louisville. | |
| | N. B. Beall, C. M. Thruston & George W. Chambers, | 1,800 00 | | dead. | |
| Leonard H. Tunstall, | H. B. Tunstall, Brook Hill, | 67 00 | | | |
| Brite & Miller, | James Bristoe, J. & F. Jackson, | 425 00 | | | |
| Thomas Britt, | F. Jackson, A. Brite, | 155 00 | | | |
| Cornelius Bice, | Masterson Ogden, | 154 00 | 11 00 | dead. | |
| R. Bristow, | George Waller, Sam'l Dupuy, | 2,741 94 | | dead. | Part of this debt collected by Attorney, and the balance will be soon. |
| Samuel Carrol, | Robert Todd, H. Burnett, | 36 00 | | | |
| Obed Clark, | Nich. Gassaway, | 70 00 | | | |
| John Gwathmey, | | 3,500 00 | | dead. | |
| Luke Haff, | Real estate. | 3,200 00 | 2,950 00 | Shelby. | |
| J. & F. Jackson, | James Bristow, | 1,235 00 | | | |
| John Logan, | Abram Smith, | 164 00 | | dead. | Logan's acc't for services about equal to this debt. |
| Logan & Griffith, | C. Griffith, J. W. Rankin, | 380 00 | | Shelby. | |
| John Logan, jr. | Robert Logan, James Glenn, | 290 00 | 250 00 | | |
| An. Minter, | S. Dupuy, R. Logan, | 116 00 | 96 36 | | |
| A. T. Matthews, | John Martin, | 65 00 | | | |
| Neill & Davis, | W. N. Davis, J. B. Meriwether, | 960 00 | 150 00 | | |
| Paul Skidmore, | | 201 75 | | dead. | |
| Joseph H. Stout, | John Stout, | 50 00 | | Shelby. | |
| Culvin Sanders, | Jas. L. Foree, | 37 00 | | do. | |
| William Tilly, | Abram Newland, | 15 00 | | do. | |
| Richard Waller, | Geo. Waller, W. W. Bowling, | 3,100 00 | 102 00 | dead. | |
| George Waller, | Real estate. | 4,220 00 | 3,310 50 | Shelby. | Collateral security given. |
| Thomas Alsberry, | Caleb Young and W. Cannon, | 4,000 00 | | | |
| Leonard Baldwin, | Property. | 1,050 00 | 727 87 | Missouri. | Suit in Chan. to subject funds in the hands of Fry & Page. |
| John B. Curd, | Property. | 1,835 00 | 259 65 | | |

List of Debts, Continued—In suit.

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Joshua Crow, | Wm. Bradley, John Bledsoe, | 672 00 | 140 00 | | |
| James Clark, | R. Patterson, John B. White, | 3,098 00 | | Christian. | |
| Spencer Curd, | J. B. Curd, Robert Slaughter, | 845 00 | | dead. | |
| S. H. & S. Curd, | Do. do. | 368 00 | | dead. | |
| J. P. Dunwiddie, | Ar. Shaw and W. Harrison, | 71 07 | | | |
| John Garner, | | 46 00 | 20 00 | | |
| Jesse Harrison, | Reuben Tunis, E. Harrison, jr. | 2,897 65 | 974 27 | Missouri. | |
| Harris K. Lewis, | Property. | 3,089 00 | 300 00 | | |
| Smith Lofland, | Gerard Cromwell, | 193 00 | | Todd. | |
| Do. | Do. and B. H. Lofland, | 583 00 | | Todd. | |
| George P. Shepherd, | John Burgess, H. Griffith, | 63 00 | 10 28 | | |
| Sampson Turley, | John Pursley, B. Greenfield, | 175 00 | | | |
| Do. | Do. and J. B. Smith, | 70 00 | | | |
| Do. | C. Young and F. A. Harrison, | 1,000 00 | | | |
| John R. Thompson, | John Phaup, J. M. Riley, | 13 00 | | | |
| George Wash, | John Pursley, M. Patton, jr. | 34 00 | 30 00 | | |
| Anna Allen, | Wm. Allen, Elisha Prince, | 100 00 | 50 00 | | |
| J. G. W. Baylor, | Rob't Baylor, R. T. Baylor, | 1,897 00 | 1,701 00 | | |
| William Bell, | John Barnett, A. Slaughter, | 800 00 | 300 00 | Barren. | |
| John Barnett, | A. Slaughter, Charles Proctor, | 42 00 | | | |
| Robert T. Baylor, | Geo. Washington, G. W. Baylor | 28 00 | 10 00 | Alabama. | |
| H. M. Clark, | John Hopkins, G. W. Clarkeson, | 35 00 | | | |
| George W. Call, | D. C. Caldwell, J. J. Mackall, | 3,150 00 | 2,612 75 | St. Louis. | Caldwell released. |
| Jacob V. Chinoweth, | R. B. Dallam, Thomas Barnes, | 60 00 | | | |
| William Christmass, | Do. | 70 00 | 47 80 | | |
| W. W. Crumbaugh, | H. W. Moore, R. B. Dallam, | 163 00 | | | |

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|---|---|---|---|---|---|
| W. W. Crumbaugh, | H. W. Moore, R. B. Dallam, | 163 00 | | | |
| Robert Crockett, | J. N. Crockett, An. Butler, | 4,800 00 | | | |
| William Curd, | E. Curd and John Small, | 498 00 | 284 67 | dead. | |
| Spencer Curd, | Do. do. | 2,438 00 | | | Securities released by old directors. |
| Do. | E. Curd and C. Lofland, | 211 00 | 2234 72 | dead. | do. do. |
| Bald. Davenport. | W. B. Scott, | 75 00 | 31 16 | | |
| John Fitzhugh, | Thos. Wilson, H. Fitzhugh, and James Johnson, | 73 00 | 47 52 | | |
| Amos Edwards, | Wm. Harrison, D. M. Heard, | 3,000 00 | | | |
| Edwards, Sleight & Co. | Do. do. | 4,230 00 | 3094 36 | | |
| John Frazier, | Peter Lawson, Wm. Stuart, | 170 00 | | | |
| Do. | James C. Finley, Wm. Stuart, | 292 00 | | | |
| Do. | Spencer Curd, Wm. Stuart, | 101 00 | 660 00 | | |
| Do. | Spencer Curd, P. Lawson, | 188 00 | | | |
| Do. | Walter Jones and Jas. Blair, | 210 00 | | | |
| Abram Ford, | J. and N. P. Moore, | 510 00 | 110 00 | | |
| John H. Grinter, | John Young, Sam'l Thompson, | 104 00 | 21 00 | | |
| Solomon Hunter, | Wm. Hunter, A. Hunter, and B. Hunter, | 167 00 | | | |
| Peyton Harrison, | Sally Lewis, C. H. Harrison, | 4,254 00 | 2,800 10 | | |
| Carter H. Harrison, | Peyton Harrison, Sam. Hill, | 150 00 | | | |
| Morgan A. Heard, | P. N. O'Bannon, R. T. Baylor, and Geo. W. Call, | 1,584 00 | | dead. | |
| Berry Hunter, | John Rotramel, S. Hunter, | 52 00 | | | |
| Wm. Hunter, | John Rotramel, A. Hunter, | 147 00 | | | |
| R. M. Hannum, | H. W. Moore, James Mosby, | 520 00 | 15 00 | | |
| John Lewis, | John Combs, M. Clarke, sr. | 200 00 | | | |
| Smith Lofland, | John Wash, G. Cromwell, | 2,525 00 | | Todd. | |
| Do. | B. H. Lofland, G. Cromwell, | 105 00 | | Todd. | |
| Peter Lawson, | John Sanders and C. Lofland, | 36 00 | | | |

List of Debts, Continued—In suit.

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Peter Lawson, | John Frazier, W. Stuart, and J. Sanders, | 127 00 | 78 00 | | |
| Do. | John Frazier, P. N. O'Bannon, | 109 00 | | | |
| John Morton, | George W. Call, | 189 00 | 62 16 | Logan. | |
| H. W. Moore, | R. B. Dallam, P. N. O'Bannon, | 1,854 00 | 1,685 19 | dead. | Dallam released. |
| Wm. I. Morton, | An. Butler, George W. Call, | 2,200 00 | 1,424 95 | Logan. | An agreement to pay ¼ of the balance of these debts has been made, and collateral security taken. |
| Do. | | 800 00 | 678 00 | | |
| Wm. McIlvain, | R. Rankin, Durham Hail, | 70 00 | | | |
| Jas. T. Morehead, | Boas Roberts, Joseph Roberts, | 516 00 | 164 22 | Franklin. | |
| Willis Morgan, | John Morgan, John S. Evans, | 300 00 | 239 56 | dead. | |
| P. N. O'Bannon, | M. A. Heard, R. T. Baylor, | 265 00 | | Wooford. | |
| James W. Porter, | | 270 00 | 212 65 | | |
| John H. Quarles, | T. W. Nantz, Richard Boyce, | 65 00 | 12 40 | dead. | |
| John Rotramel, | Thos. Wilson, Henry Dillon, | 240 00 | 24 31 | | |
| Wm. B. Robertson, | S. B. Dunscomb, I. Reyburn, | 225 00 | | | |
| Robert Rankin, | John Combs, Wm. McIlvain, | 45 00 | | | |
| Charles Rhea, | J. Breathitt, S. Poindexter, | 75 00 | 37 38 | dead. | Suit to foreclose mortgage. |
| Do. | John Roberts, | 275 00 | | | |
| Jacob Stemmens, | Charles Lofland, D. W. Poor, | 60 00 | | | |
| David T. Smith, | P. Harrison, C. H. Harrison, | 190 00 | | | |
| Robert W. Simpson, | D. Hail, R. Rankin, J. Hutchings, jr. | 305 00 | 288 00 | | |
| Arthur Slaughter, | John Barnett, | 11 00 | | | |
| Taylor & Latham, | N. Casey, I. G. Finnie, W. R. Ashley, | 94 00 | 56 00 | | |
| Ephraim Watkins, | Ballard Watkins, | 17 00 | | | |

| | | | | | |
|---|---|---|---|---|---|
| Ephraim Watkins, | Ballard Watkins, | 17 00 | | | |
| Asa Wilgus, | Reuben Jackman, | 235 00 | 128 25 | | |
| Abner Womack, | R. B. Dallam, W. W. Whitaker, | 65 00 | | | Dalla mreleased. |
| Far. & Mechan's Bank, Logan, | | 1,334 50 | | | |
| Martha B. Wallace, | Edwin R. Wallace, | 120 00 | | | |
| Josiah Wooldridge, | C. Wooldridge, Ca. Trabue, W. Cheatham, | 50 00 | | Tennessee. | |
| St. T. Beauchamp, | R. P. Beauchamp, T. Beauchamp and P. Beassan, | 280 00 | 278 18 | | |
| R. P. Beauchamp, | Property. | 4,304 00 | 170 71 | dead. | |
| Do. | Property. | 4,303 00 | | | |
| Wm. Bell, | S. H. Curd, J. W. B. Wigginton, | 500 00 | | Barren. | |
| Wm. Courts, | Everard Clark, | 30 00 | 5 50 | Barren. | |
| Gabriel Chism, | Jos. Towles & James Murray, | 137 00 | 23 25 | | |
| John Field, | Robert Powell, Jas. Patterson, | 649 04 | | dead. | |
| W. I. Garnett, | Ass'd by R. P. Beauchamp, | 1,025 00 | 425 00 | Barren. | |
| Do. | Do. | 1,025 00 | 425 00 | Barren. | The balance of these debts were lost by offsets vs. Beauchamp, |
| Wm. Gray, | J. Brents and Wm. Miller, | 72 00 | 67 87 | | |
| H. F. Greenwood, | Joseph Winlock, | 195 00 | 13 77 | dead. | |
| John Govin, sr. | Property. | 440 00 | 190 00 | dead. | |
| James Hall, | Property. | 275 00 | | Barren. | |
| George W. Holland, | Wm. Davidson, | 76 00 | | dead. | |
| I. R. Murphy, | Property. | 1,500 00 | 316 20 | | |
| Henry Miller, sr. | Property. | 1,430 00 | 548 50 | dead. | Suit to foreclose mortgage and property sold. |
| W. R. McFerin, | John McFerrin, sr. | 548 00 | 154 00 | Barren. | |
| Henry Morehead, | C. R. Morehead, W. L. Meredith | 432 00 | 129 84 | | |
| James Nevill, L. Pointer and Richard Cole, | W. H. Cole, Joseph Nevill, | 36 46 | | Barren. | |
| John W. Powell, | Robert Moore, A. T. Mitchell, | 340 00 | 269 50 | Warren. | |
| John Phillips, | R. P. Lessenburg, M. Phillips, | 53 24 | | | |

List of Debts, Continued—In suit.

| Principal. | Securities. | Amount. | Credits. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Z. Quessenberry, | Wm. Bowles, | 579 00 | | Barren. | |
| Richard Rountree, | Property. | 129 00 | | dead. | |
| Bird Rodgers, | Ass'd by R. P. Beauchamp, | 200 00 | 104 50 | dead. | |
| Peter Rogers, | Property. | 469 50 | | Barren. | Additional secu'ty given on time. |
| Joal Toney, | W. R. McFerin, Geo. Rogutt, | 207 00 | 109 70 | St. Louis, | |
| Wm. Thompson, | Wm. T. Bush and Wm. Mosby, | 999 00 | | | Bush & Mosby have been released by directors, on compromise. |
| Do. | Wm. T. Bush, W. Mosby and Thomas Mayfield, | 4,844 00 | 3016 38 | Nashville. | |
| Wm. Walker, | | 125 00 | | | |
| Joel Ashley, jr. | Joel Ashley, sr., A. Caldwell & Thomas Wynn, | 240 00 | | Hickman. | |
| Samuel T. Beall, | Neill & Davis and T. Neill, | 1,000 00 | | Nelson. | |
| James Blair, | I. A. Mitchell, A. Macey, Ben. Hickman, P. G. Voorhies, | 1,100 00 | 750 00 | dead. | |
| George M. Bibb, | I. A. Mitchell, P. G. Voorhies, | 1,920 00 | | Louisville. | |
| Do. | P. G. Voorhies, | 960 00 | | Louisville. | |
| Mann Butler, | George M. Bibb, | 700 00 | 486 60 | Louisville. | |
| Jeremiah Buckley, | I. Henry and C. Edwards, | 145 00 | | Woodford. | |
| Robert Brenham, | | 125 00 | | dead. | |
| George Baltzell, | | 25 00 | | Florida. | |
| Wm. N. Blackburn, | | 6 00 | | Henry. | |
| John R. Campbell, | C. Self and Wm. Ford, | 600 00 | 572 50 | | Securities released, for for want of notice of protest. |
| John Campbell, | R. Taylor, jr., I. A. Mitchell, | 500 00 | 382 00 | Frankfort. | |
| Thomas T. Crittenden, | Geo. Adams, I. McKinney, jr. | 131 00 | | dead. | |
| James Cox, | J. Perciful, T. Q. & H. H. Roberts | 298 00 | | Nelson. | |
| Thomas Duckham, | Ben Hickman, | 324 00 | | Estill. | |
| Thomas M. Emmerson, | John Emmerson, | 185 00 | | | |

| | | | | | |
|---|---|---|---|---|---|
| Thomas Duckham, | Ben Hickman, | 324 00 | | Estill. | |
| Thomas M. Emmerson, | John Emmerson, | 105 00 | 93 00 | | |
| Lewis B. Fenwick, | Ia. Castleman and B. Luckett, | 4,674 00 | 2,200 00 | Franklin. | |
| Wm. Fenwick, | P. G. Voorhies, | 110 00 | | dead. | |
| Geo. W. Graham & Co. | George Baltzell, | 1,000 00 | | Franklin. | |
| Reuben S. Gale, | | 43 37 | | dead. | |
| Nathan Gaither, | O. Wheat and E. Cravens, | 400 96 | 55 00 | Adair. | Collected by Sheriff, and |
| Sandy Holton, | Ben Luckett and J. F. Holton, | 123 00 | | dead. | motion against him. |
| I. H. Hawkins, | Thomas Bodley, Jas. Johnson, | 2,514 00 | | dead. | |
| I. H. and L. Hawkins, | Thomas Fletcher, | 2,793 00 | | | |
| A. B. Hamilton, | Guy Hamilton, | 131 00 | 18 73 | dead. | Security released on plea |
| Hickman & Pearson, | Rob't Brenham, Rich'd Taylor, | 780 00 | | dead. | of non est factum. |
| Jacob H. Holeman, | Jacob Swigert, | 150 00 | | Owen. | Execution issued. |
| Do. | Thomas Triplett, | 150 00 | | Owen. | Suit to foreclose mort- |
| Joseph Kinkead, | John and Arch'd Kinkead, | 500 00 | | dead. | gage. |
| Benjamin Luckett, | C. Bell, J. F. Holton, S. Luckett | 290 00 | 141 42 | Franklin. | Balance in hands Sh'ff. |
| Logan and Griffith, | Caleb Griffith, | 600 00 | | Shelby. | |
| A. R. Lindsay, | George Adams, Rob't Brenham, | 180 00 | | Franklin. | |
| Wm. B. Long, | William Gerard, | 500 00 | 279 86 | dead. | Security released. |
| Willis A. Lee, | George M. Bibb, | 367 00 | | dead. | |
| Do. | Rich'd Taylor, D. Weisiger, | 536 00 | | dead. | |
| James Love, | Rich'd Ballinger, D. G. Cowan, | 136 00 | | Knox. | Execution in the hands |
| Milly Lyons, | | 40 00 | 15 00 | New Orleans. | of Sheriff. |
| I. A. Mitchell, | Anderson Miller, | 2,375 00 | 1,628 41 | dead. | |
| Anderson Miller, | I. A. Mitchell, Richard Taylor, | 3,160 00 | | Miss'. | |
| Jesse Morris, | J. H. Todd, John S. Robson, | 70 00 | | Franklin. | |
| John McKinney, jr. | Stock, | 1,760 00 | 1,679 84 | dead. | |
| Cyrus McCracken, | John Hamilton, | 70 00 | 11 20 | Woodford. | |
| Enoch Martin, | Peter Martin, | 80 00 | 22 60 | | |
| J. J. Marshall, | Real estate. | 4,000 00 | 1,460 00 | Louisville. | S't to foreclose mortg'e. |
| James O'Hara, | Kean O'Hara, | 25 00 | 7 40 | Owen. | In Constable's hands. |

List of Debts, continued—In suit.

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Isaac Pearson, | Wm. Hunter, Ben Hickman & Richard Taylor, | 2,780 00 | | dead. | Hunter released. |
| Thomas C. Pendleton, | Lewis Castleman, F. Taylor, | 270 00 | | Nelson. | |
| Do. | C. S. Todd, | 225 00 | | Nelson. | |
| Wm. Patterson and J. Montgomery, | Com'rs Bank of Columbia, | 288 50 | | dead. | |
| John P. Porter, | John Buford and R. D. Shipp, | 108 00 | 42 84 | Woodford. | |
| William Rosson, | John Taylor, | 300 00 | | Franklin. | |
| George Wagley, | R. H. Benton, James Ewing & J. Miller, jr. | 600 00 | 594 22 | Green. | |
| Bennet P. Settle, | James Gale and E. S. Coleman, | 430 00 | 396 00 | dead. | |
| Do. | George and J. Settle, | 164 00 | 43 45 | dead. | |
| Elijah Stapp, | Wm. Massie and J. J. Johnson, | 500 00 | 250 00 | Texas. | Johnson released on payment of 250 dollars. |
| Lemuel Stockton, | J. W. Taylor, P. Simmerman, | 354 00 | | Cumberland. | |
| Wm. Steele, | Peter Alexander, | 223 00 | 21 84 | dead. | |
| Thomas R. Stockdale, | | 20 00 | 10 22 | | |
| John H. Todd, | F. P. Blair, J. H. Hanna, | 2,000 00 | | dead. | Securities released. |
| Anderson Taylor, | Henry Taylor and Rob't Taylor | 220 00 | 15 00 | Franklin. | |
| P. G. Voorhies, | Richard Taylor, Wm. Hunter, | 1,665 00 | 1,353 00 | Louisiana. | Hunter released. |
| Abram Ward, | Thompson and James Ward, | 2,880 00 | | dead. | Sec'ity released on plea of non est factum. |
| H. G. Waggener, | Alexander Miller, John Waggener and Wm. Patterson, | 2,050 00 | 946 47 | Adair. | |
| John West, | John S. Robson and C. S. Todd | 900 00 | | | Todd discharged. |
| Aaron Webb, | Anderson Taylor, H. Harper, | 202 00 | 21 27 | | |
| J. B. Marshall, | H. Marshall, and real estate, | 1,250 00 | 105 00 | Louisville. | Dec. to foreclose mor'ge. |
| John C. Bacon, | David Graham, | 80 00 | | | |

| | | | | | |
|---|---|---|---|---|---|
| John C. Bacon, | David Graham, | 80 00 | | Owen. | Replevied by security & execution issued. |
| James W. Denny, | J. H. Hanna, T. Triplett, | 300 00 | | dead. | Execution issued against security. |
| Do. | T. Triplett, | 80 00 | | dead. | |
| Lewis Sanders, jr. | Thomas Major, B. F. Hickman, | 105 00 | | Franklin. | Collected, and in the hands of Sheriff. |
| Do. | James Downing, | 120 00 | | Franklin. | |
| Catesby Gill, | | 175 00 | | | |
| J. J. Marshall, | Thomas S. Page, | 300 00 | | Louisville | |
| N. H. Hall, | John Pope, | 75 00 | 10 00 | Lexington. | |
| W. B. Warren, | Job Stevenson, E. L. Johnson, | 1,000 00 | 960 00 | Illinois. | |
| John Arnold, | Real estate, | 100 00 | | Franklin. | |
| John Roberts, | Ben Hardin and real estate, | 7,000 00 | 5,835 00 | Washington. | A balance of about $2000 due on this debt, which is replevied. |
| Ambrose M. Clarke, | George Roberts, | 156 66 | | Washington. | |
| Samnel Robertson, | Wm. Smith, | 114 00 | 57 00 | | |
| Susannah Cosby, | Fr. Nantz, | | | | |
| John Hughes, jr. | Thomas B. Hughes, | 166 66 | 11 00 | | |
| Christophr Rudd, | W. B. Booker, | 166 66 | 14 00 | Washington. | |
| Thomas Head, | John Hughes, jr. | 166 66 | | Washington. | |

*A List of Debts due the Old Bank of Kentucky—Not in suit.*

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Wm. Bell, | P. N. O'Bannon, W. C. Donley and J. Bell, | 219 00 | | Barren. | |
| John L. Bridges, | Rob't Boyce, W. A. Bridges, | 350 00 | 160 00 | Mercer. | To be paid in March. |
| H. Blauton, | G. S. Macey, F. P. Holloway, | 500 00 | | Franklin. | Will be paid this year |
| Do. | J. Dudley, and real estate. | 2,500 00 | | | |
| J. B. Curd, | F. T. Fox, | 375 00 | | Pulaski. | |
| Do. | Do. | 375 00 | | Pulaski. | Due 1st May. |
| Wm. Edmunds, | Thomas Feland, | 800 00 | 774 00 | Barren. | |
| Mary Evans, | Real estate, | 375 00 | | Franklin. | |
| J. H. Hanna, | Jacob Swigert, | 749 61 | | Franklin. | Due 1st March. |
| D. S. Howell, | Real estate, | 775 00 | 400 00 | Nelson. | |
| James Harlan, | Sarah Harlan, | 140 00 | 114 30 | Mercer. | |
| Thomas Head, | J. Calhoun, | 65 00 | 50 00 | Missouri. | |
| Nelson C. Johnson, | Ab. Smith, | 30 00 | 20 61 | dead. | |
| Thomas W. Jones, | W. Hunter, T. V. Loofbourrow, | 185 00 | | dead. | |
| Milton King, | Joel Owsley, H. P. Saufley, and | 1500 00 | | | |
| | James Baker, sr. | 1500 00 | | Cumberland. | Due 11th May. |
| Th. V. Loofbourow, | P. S. Loofbourrow, | 150 00 | | | |
| Thomas S. Page, | E. H. Taylor, C. & J. Samuel, | 1,200 00 | | Franklin. | |
| Do. | Do. | 2,812 50 | 1,750 00 | do. | |
| John Paca, | Richard B. Dallam, | 120 00 | | do. | |
| John Roberts, | G. H. Brown, J. C. Finlay, and J. Sanders, | 915 92 | | Logan. | |

| | | | | | |
|---|---|---|---|---|---|
| P. G. and G. Rice, | Real estate, | 400 00 | | Mercer. | |
| Thomas W. Stockdale, | John Breathitt, | 266 66 | | Logan. | |
| Thomas S. Slaughter & C. Breathitt. | Jno. Breathitt and Jno, B. Bibb, | 1,000 00 | 600 00 | dead. | |
| Wm. R. Scantland, | Real estate, | 200 00 | | dead. | |
| C. S. Todd, | Jacob Swigert, | 850 00 | | Shelby. | |
| Jos. R. Terry, | Anthony Butler, | 86 00 | | | |
| R. and W. S. Waller, | Real estate, | 2,970 00 | 5620 00 | Lexington. | |
| Wm. S. Waller, | Do. | 3,960 00 | | | |
| W. H. Wood, | | 1,500 00 | | dead. | |
| Th. R. Wallace, | Real estate, | 1,000 00 | | Logan. | |
| B. W. Finnell, | J. T. Johnson, M. V. Thomson, | 116 00 | | Scott. | |
| J. and I. Kinkead, | Archibald Kinkead, | 240 00 | | dead. | |
| J. and D. Maccoun, | Thomas H. Pindall, | 26 49 | | dead. | |
| Do. | Thomas Hanley, | 7 30 | | | |
| R. Megowan* & Co. | J. Hart and L. Hawkins, | 3,800 00 | 800 00 | *dead. | |
| Do. | J. and D. Maccoun, | 3,300 00 | | | |
| Do. | Thomas H. Pindall, | 3,000 00 | | | |
| Do. | James Prentiss, | 3,314 75 | | | |
| John Stickney, | Wm. Harrison, | 75 00 | 40 40 | | |
| James Tilford, | J. and D. Maccoun, | 2,200 00 | | Nashville | |
| Fielder Wilson, | | 48 00 | 32 00 | | |
| Samuel Hanson, | James Clark and John Mills, | 125 00 | | Clark. | Mr. Hanson claims a credit for services equal to this debt. |
| Thomas W. Stockdale, | John Breathitt, | 266 66 | | Logan. | |
| B. Shackelford, | John H. Phelps, | 200 00 | 148 67 | Christian. | |
| Wm. N. Blackburn, | | 50 00 | | Henry. | |
| Wm. A. Gorham, | | 10 00 | | Franklin. | |
| James Goins, | M. Goins, | 15 00 | | do. | |
| Reuben Garnett, | | 20 00 | | Frankfort. | |
| B. Hickman, | | 60 00 | | dead. | |
| Alexander White, | | 50 00 | | Penitentiary. | |

List of Debts, Continued—Not in suit.

| Principal. | Securities. | Amount. | Credit. | Residence. | Remarks. |
|---|---|---|---|---|---|
| Wm. C. Richards, | | 17 50 | | | |
| John Taylor, | | 30 00 | | dead. | |
| Isaac Stanley, | | 83 33 | | dead. | |
| Haz. Farish, | | 600 00 | | St. Louis. | |
| George M. Bibb, | | 1,200 00 | | Louisville. | |
| John Roberts, | Wm. Summers and B. Smith, | 23 00 | | | |
| J. Toy, | R. B. Dallam, Thomas Barns, | 38 00 | | | |
| John Peak, | Wm. L. Fawke, Sally Peake, | 45 00 | | | |
| John West, | | 20 86 | | | |
| John Todd, jr. | | 151 66 | | | |
| Do. | Thomas H. Pindell, | 2,008 66 | 401 00 | | |
| Isaac Pearson, | | 31 31 | | | |
| Geo. W. Graham & Co. | | 88 21 | | | |
| Steam Mill Company, | | 71 25 | | | |
| H. C. Gist, | | 294 00 | | | |
| Jacob Cox, | | 75 50 | | | |
| Wm. Rosson, | John Taylor, | 150 00 | 40 00 | | |

*A List of Debts which have been compromised by the present Agent of the Old Bank of Kentucky.*

*A List of Debts which have been compromised by the present Agent of the Old Bank of Kentucky.*

| Principal. | Securities. | Amount. | Credits. | Amount received on Compromise | Remarks. |
|---|---|---|---|---|---|
| Richard B. Dallam, | John Paca, | 1,390 00 | | | |
| Do. | John Paca and John Bell, | 1,031 00 | | | |
| Do. | Do. J. V. Chenowith, and W. Jones, | 2,300 00 | 208 29 | 700 00 | Rich'd B. Dallam released. |
| H. W. Moore, | R. B. Dallam, P. N. O'Bannon, | 1,854 00 | 1,685 19 | | |
| A. Womack, | Do. | 65 00 | | | |
| John Paca, | Do. | | | | |
| Elijah Noble, | John Fowler, | 485 00 | 125 00 | | |
| Do. | John Keiser, | 125 00 | | 150 00 | E. Noble, released. |
| Do. | Conover & Halstead, | 690 00 | | | |
| Do. | Daniel Talbot, | 265 00 | | | |
| Thomas Barbour, | Rich'd Barbour and J. Taylor, | 200 00 | | 250 00 | Parties all dead and insolvent —This sum paid by T.T. Barbour, son of Th. Barbour. |
| John T. Mason, Jr. | Robert Crockett, | | | | |
| Jas. Johnson, J. Fowler, and J. T. Mason, | Thomas Bodley, | 2,640 00 | | | |
| J. H. and L. Hawkins, | J. T. Mason, jr. | 2,793 00 | | 700 00 | Jno. T. Mason jr. released. |
| Wm. Starling, jr. | On his warranty for a tract of land in Ohio county, | | | 100 00 | Released. |
| Constant A. Wilson, | S. H. Curd and Spencer Curd, | 386 00 | 27 32 | 75 00 | Wilson released. |
| George W. Graham, J. S. Robson and T. V. Loofbourrow, | George Baltzell, | 1,000 00 | | 150 00 | Loofbourrow released. |

List of Debts, continued—Compromised.

| Principal. | Securities. | Amount. | Credit. | Am't rec'd on Compr'mise | Remarks. |
|---|---|---|---|---|---|
| William Hunter, | T. W. Jones, B. Hickman, | 794 00 | | | |
| | Mann Butler, B. Hickman, | 1,100 00 | | | Mr. Hunter was an old man, living at Washington, and hopelessly insolvent. |
| | P. G. Voorhies, C. S. Todd, | 1,280 00 | | | |
| | J. Pearson, Wm. Starling, jr. | 1,380 00 | | | |
| | P. G. Voorhies, Richard Taylor, | 1,666 00 | | | |
| | J. Pearson, George Adams, | 1,812 00 | 4867 02 | 100 00 | |
| | E. Hardman, B. Hickman, | 2,750 00 | | | |
| | Thomas V. Loofbourrow, and J. W. Hawkins, | 2,850 00 | | | |
| | J. W. Hawkins, W. Starling, jr. | 3,500 00 | | | |
| C. S. Todd, | J. H. Todd and J. Smith, | 750 00 | | | |
| Do. | | 460 00 | | | |
| Do. | John A. Mitchell, | 820 00 | | 850 00 | C. S. Todd released. |
| Do. | Do. and J. H. Todd, | 5,400 00 | 105 00 | | A compromise was made with Bank U. S. on same terms. |
| Wm. I. Morton, | An. Butler, Geo. W. Call, | 2,200 00 | 2102 95 | | This debt has been comp'mised at ¼ the am't due, and sec'ty taken. The am't which will be paid, will be about $400. |
| Do. | | 800 00 | | | |

Mr. Burden, from the select committee to whom was referred a bill from the Senate, entitled, an act to make an addition to the town of Rochester, in Butler county—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Clay, from the committee on Education, to whom was referred a joint resolution, adopting a joint rule that the committees on Education examine Transylvania University, the Lunatic Asylum, and the Deaf and Dumb Asylum—reported the same without amendment.

And the question being taken on the adoption thereof, it was decided in the negative.

And so the said resolution was disagreed to.

Mr. Yates read and laid on the table the following resolution, viz:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement be, and they are hereby, required to expend, or cause to be expended, during the present year, the amount of money heretofore appropriated to the improvement of the descending navigation of Nolin, Bear, and Caney creeks.

Mr. Morris presented the petition of sundry citizens of Perry, Clay and Estill counties, praying the formation of a new county out of parts of said counties.

Which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of Joseph Allen.

An act for the benefit of the Sheriff of Adair county—reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Ferdinand Hunn.

An act for the benefit of Sarah Ann Brown—reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of Robert Arberry, was read a third time.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Dohoney and Rowan, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Reeves, |
| Messrs. Apperson, | Goodson, | Rodes, |
| Bailey, | Gray, B. E. | Root, |
| Ballard, | Haggard, | Royston, |
| Basye, | Heady, | Rudd, |
| Bledsoe, | Johnson, | Shanklin, |
| Bodine, | Lecompte, | Sharpe, |
| Bradley, | Marshall, | Slaughter, |
| Browder, | McBrayer, | Smith, I. |
| Buford, | McElroy, | Smith, L. B. |
| Buckner, | Meriwether, | Sprigg, |
| Butler, | Mims, | Thomas, |
| Combs, | Morehead, | Thornburg, |
| Cornish, | Morris, | Todd, |
| Daviess, | Myers, | Trimble, |
| Edmonson, | Newton, | Trumbo, |
| Field, | Pope, | Waddle, |
| Fox, | Purdy, | Yates—54. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Ellison, | O'Bannon, |
| Anderson, A. | Finn, | Pirtle, |
| Anderson, S. H. | Goble, | Redd, |
| Andrews, | Gough, | Riffe, |
| Blair, | Graham, | Ritter, |
| Bradshaw, | Gray, N. E. | Rowan, |
| Brooks, | Hardy, | Rowlett, |
| Bullock, | Hopkins, | Sutton, |
| Burden, | Howard, | Swope, |
| Clay, | Jasper, | Taggart, |
| Coleman, | Latimer, | Wade, |
| Cofer, | McClure, | Walker, |
| Coffey, | McFall, | White, |
| Dohoney, | Newell, | Wintersmith—43. |
| Dorton, | | |

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill to establish a new Judicial District, and for other purposes—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Thornburg—1. A bill authorizing the construction of roads to private coal banks in the county of Estill.

On the motion of Mr. Hopkins—2. A bill for the benefit of the Clerk of the Henderson Circuit Court.

On the motion of Mr. Sutton—3. A bill for the benefit of Wm. P. Neale.

On the motion of Mr. Ballard—4. A bill for the benefit of Abraham Kightly and Gabriel Kightly.

The committee on Internal Improvement were ordered to prepare and bring in the 1st; Messrs. Hopkins, McElroy and Bradley the 2d; and the committee on Military Affairs the 3d and 4th.

Mr. Buford asked leave to bring in a bill to repeal all laws now in force permitting and authorizing city charters and town charters to grant license to sell or vend spirituous liquors, in any shape, manner or form.

And the question being taken on granting leave, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Buford and Sprigg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Field, | Newell, |
| Anderson, A. | Fox, | Pirtle, |
| Andrews, | Gano, | Redd, |
| Apperson, | Goble, | Ritter, |
| Bailey, | Goodson, | Rodes, |
| Basye, | Gough, | Root, |
| Blair, | Gray, N. E. | Rowlett, |
| Bledsoe, | Hardy, | Shanklin, |
| Bodine, | Heady, | Sharpe, |
| Brooks, | Hopkins, | Slaughter, |
| Browder, | Howard, | Smith, I. |
| Buford, | Hughes, | Sutton, |
| Bullock, | Jasper, | Thornburg, |
| Burden, | Johnson, | Trimble, |
| Butler, | Latimer, | Trumbo, |
| Coleman, | Marshall, | Waddle, |
| Cofer, | McClung, | Wade, |
| Coffey, | McClure, | Walker, |
| Daviess, | McFall, | White, |
| Dohoney, | Morehead, | Wintersmith, |
| Dorton, | Morris, | Yates—65. |
| Ellison, | Myers, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gray, B. E. | Purdy, |
| Messrs. Anderson, S. H. | Haggard, | Reeves, |
| Ballard, | Lecompte, | Riffe, |
| Bradley, | McBrayer, | Rowan, |
| Bradshaw, | McElroy, | Royston, |
| Combs, | Meriwether, | Smith, L. B. |
| Cornish, | Mims, | Sprigg, |
| Edmonson, | O'Bannon, | Taggart, |
| Finn, | Pope, | Thomas—28. |
| Graham, | | |

Mr. O'Bannon, from the committee on Military Affairs, to whom was referred a bill to change the bounds of the 7th Division of Kentucky Militia, and for other purposes—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the committee of conference on the disagreement of the two Houses, on an amendment proposed by this House to a bill from the Senate, entitled, an act to amend the charter of the Lexington and Georgetown Turnpike Road Company—made a report, adopting an amendment to said bill, in lieu of the one proposed by this House.

Which being twice read, was concurred in.

On motion of Mr. Bullock, the House then took up for consideration the resolution proposed by him on yesterday, which being modified to read as follows, viz:

*Resolved*, That the committee on the Library be instructed to inquire into the expediency and probable cost of purchasing (as an addition to said Library,) the following works, to wit: One well bound copy of the Debates of the Congress of the United States, from the commencement of the first session thereof, to the present time; one copy of the Journal and Debates of the General Convention which formed our Federal Constitution; one copy of the Life of Washington, by Sparks; together with such other works as they may think necessary, &c.; and report by bill or otherwise.

Was twice read, and adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of the Clerk of the Scott Circuit Court.

By Mr. Redd—2. A bill to repeal all laws declaring Little river a navigable stream, above Alexander's Ford, and for other purposes.

By the committee for Courts of Justice—3. A bill authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson and John Murdaugh.

By Mr. Root—4. A bill concerning the town of Warsaw.

By the committee on Ways and Means—5. A bill for the benefit of Matthew Elder.

By the committee on Propositions and Grievances—6. A bill to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

By the committee on Religion—7. A bill for the benefit of Charity Taylor.

By the committee on Military Affairs—8. A bill for the benefit of Elisha C. Hampton.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 2d, 3d, 5th, 6th, 7th and 8th, were severally ordered to be engrossed and read a third time, and the 4th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th and 8th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the Senate, of the following titles, viz:

1. An act to authorize the city of Lexington to borrow money for certain purposes.

2. An act to allow an additional Justice of the Peace to Barren county.

3. An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, dec'd—approvad Feb. 16, 1838.

4. An act to repeal the 10th section of an act to incorporate a Fire Company in the town of Cynthiana, and for other purposes—approved January 27, 1838.

5. An act for the benefit of Mason W. Sherrell.

6. An act to amend an act incorporating the stockholders of the Merchants' Louisville Insurance Company.

7. An act for the benefit of the heirs of Francis Blaydes, dec'd.

8. An act for the benefit of the Spencer County Seminary.

9. An act to appoint Trustees for the town of Summersville.

10. An act to authorize the Register of the Land Office to register certain plats and certificates of survey, made in Warren county in 1838.

11. An act to incorporate the Mount Vernon Academy, in Christian county.

12. An act for the benefit of Harmon Hurst.

13. An act to amend an act, dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State, by the Banks of this Commonwealth.

14. An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county—approved January 27, 1838.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st and 5th were referred to the committee on Ways and Means; the 2d, 10th and 12th were ordered to be read a third time; the 3d, 4th, 6th 7th and 14th to the committee for Courts of Justice; the 8th and 11th to the committee on Education; the 9th to the committee on Propositions and Grievances, and the 13th to the committee on Banks.

The rule of the House, constitutional provision and third reading of the 2d, 10th and 12th bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

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## THURSDAY, JANUARY 24, 1839.

1. Mr. Bailey presented the petition of Rhoda Lytle, praying a divorce from her husband, Robert Lytle.

2. Mr. Sharpe presented the petition of Jonathan Crouch, praying a divorce from his wife, Emily Crouch.

3. Mr. Basye presented the petition of John G. Scrogin, praying that compensation be allowed him for surveying and laying off Bourbon county into school districts.

4. Mr. Pope presented the petition of Charles Maguire, praying the passage of a law confirming certain deeds, made to him by the Collector of Louisville, for real estate, and for other purposes.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee on Religion; the 3d to the committee on Education, and the 4th to the committee for Courts of Justice.

A message was received from the Senate, announcing the passage of bill of the following titles, viz:

An act authorizing Samuel Arnett to qualify as High Sheriff of Nicholas county.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

The House again resumed the consideration of the bill to establish the Southern Bank of Kentucky—which reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and is hereby established, a Bank, by the name of the Southern Bank of Kentucky, with a capital stock of three millions of dollars, to be divided into shares of one hundred dollars, and to be subscribed and paid for by this Commonwealth, individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, shall be, and are hereby, created a body politic and corporate, by the name and style of the President, Directors and Company of the Southern Bank of Kentucky; and shall so continue a body politic and corporate, until the first day of May, in the year one thousand eight hundred and sixty nine; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places, and in all matters whatsoever, as natural persons; with full power to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects and chattels, as shall be convenient for the transaction of its business, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment or decree, in favor of the Bank, or in the purchase of any property, on which said Bank may have a lien; and said Bank may have and use a common seal, change, alter and renew the same, at pleasure; and it may ordain and put in execution such by-laws, rules and regulations, for the good government of said Bank, and the prudent and efficient management of its affairs, as may be thought most proper: provided, they be not contrary to the constitution and laws of this State, or of the United States.

SEC. 2. That the said Bank shall have and keep its principal office of discount and deposit in the town of ——, south of Green river, and it shall have not less than three offices of discount and deposit, south of Green river; provided, that the president and directors of the principal Bank shall not have power to establish more than five offices of discount and deposit. Its business shall be to lend money, discount promissory notes and bills, and deal in exchange; and it may issue bills and bank notes, payable to bearer on demand, at any of its offices of discount and deposit, but not of less denomination than five dollars; and it shall not issue any notes, bills, checks or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person or persons, and payable and negotiable at the principal office of discount and deposit, or any of the branches, and endorsed to, and discounted by, said Bank, shall be, and they are hereby, put on the same footing as foreign bills of exchange; and remedy may be had,

jointly or severally, against the drawers or endorsers, and with like effect, except as to damages, and except that, in a regular course of administration they shall have no greater dignity or priority of payment than other notes; and the said Bank shall not, directly or indirectly, deal or trade in any thing except lending money, and in exchange, and in gold or silver bullion, or in the sale of goods, chattels, rights and credits really and truly pledged for money lent, and not redeemed in time, or goods which shall be the proceeds of its lands.

SEC. 3. That the Bank, or promissory notes to be issued by said Bank, shall be signed by the president of the principal Bank, and countersigned by the cashier thereof; and said Bank shall be restrained from issuing checks or orders, payable at any of its offices, or elsewhere, to any person or order, or to any person or bearer, with the intent that the said checks or orders shall circulate as bank notes.

SEC. 4. That said Bank shall not, at any time, owe, whether by bond, bill, note or other contract, an amount exceeding twice the amount of the capital stock actually paid in, exclusive of sums due on deposit; and in case of excess, the president and directors, under whose administration it shall have taken place, shall be liable for any or all of the debts of said Bank, in their individual capacities, by a joint or several actions of debt against them or any of them, their heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said Bank, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding; provided, that if the president, or any of the directors be absent when the excess may be contracted or created, or being present, shall dissent from the act, by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess, or discovery thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the county; and shall, moreover, within ten days, give notice thereof, in one of the public papers printed in this State, and transmit a copy thereof to the Governor of this State, for the time being; and shall, in said notice, call a meeting of the stockholders, which they are hereby authorized to do.

SEC. 5. That said Bank shall not, at any time, suspend, fail, or refuse payment, in gold or silver, of any of its notes, bills, or other obligations, due and payable, or of any moneys on deposit; and in case the officers, in the usual banking hours, at the office of discount and deposit, where the same shall be payable, shall refuse or unreasonably delay payment, in gold or silver, of the amount of any note there demandable, and presented for payment, or of the payment of any money previously deposited at such office, and then due and demandable by any person or persons entitled to receive payment of the same, said Bank shall be liable to pay damages, at the rate of twelve per cent. per annum on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure, or refusal, or for any violation of this charter, the same shall be forfeited; and a *scire facias* shall be sued out, in the name of the Commonwealth, by the Attorney General, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted; provided, said forfeiture shall not be construed to prevent said Bank

from suing and being sued, and continuing its operations, for the purpose of closing its concerns, nor from making any contracts that may be convenient and proper for that purpose.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said Bank, and the administration of its affairs, shall be under the direction, management and control of twelve directors—nine of whom shall represent the private stockholders, and three the Commonwealth of Kentucky, chosen as hereinafter directed. They shall be stockholders to the amount of, at least, two shares each; and after the first election, have been stockholders at least three months previously to their election; they shall be residents of this State and citizens of the United States, and after the first election they shall be elected annually, on the first Monday in May. Each director shall be a stockholders in his own right; they shall hold their offices for one year, and until their successors be chosen. The directors representing the private stockholders, shall be chosen by the shareholders, who shall meet at the annual elections in the town where the principal Bank may be located, at such time and place, as the directory, for the time being, shall direct; and notice of the time and place of holding the annual elections, shall be published in at least two authorized newspapers, printed in this State, thirty days next preceding the election. The election shall be by plurality of votes, to be counted and read in public, after all the votes are taken; the elections shall be conducted under the direction of three shareholders, acting under oath, and previously chosen by the directory, and not of their own body. No person who is a director or officer of another Bank, shall be eligible as a director in this Bank; and any director becoming a director or officer of another Bank, or while under protest in this Bank, for the non-payment of debt, shall be held to have vacated the office of director in this Bank; nor shall two partners in trade be eligible as directors in this Bank, at one and the same time; nor shall any person be a director of this Bank, who shall be a partner in trade or business, with any person, who shall, at the time, be a director of any other Bank; and if the president, cashier, or any director shall fail or become insolvent after his election or appointment, he shall become incapable to serve as an officer in this Bank, and shall be held to have vacated his office or place; nor shall he be appointed to serve in this Bank until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business, be eligible to the office of president, cashier, or director in this Bank, until all his debts are paid, or until he is fully discharged from the same. If, from any cause, an election should not take place on the day fixed by this charter, the corporation, for that cause, shall not be dissolved; but the stockholders may hold an election on any other day the by-laws may direct.

SEC. 7. That at all meetings of the stockholders, and all elections under this charter, each and every shareholder, whether individual, companies, or corporations, shall be entitled to one vote for each share held in his or their own right, up to fifty shares, and for every five shares over fifty, up to one hundred, one vote; and for every twenty shares over one hundred, one vote. After the first election, no share shall entitle the holder to a vote, unless the same has been held, by the person claiming to vote on the same, at least three months prior to that time, and shall so appear on the books of the Bank.—Any stockholder entitled to vote, may do so in person or by proxy, such proxy being granted to a stockholder who is not the president or a director,

the clerk, cashier, or teller of the Bank; and any stockholder who is not a citizen of the United States, shall not be entitled to vote on his stock.

SEC. 8. That the directors chosen for the principal Bank, under the provisions of this charter, shall, as soon as may be, after the first, and every annual election of directors, elect a president from their own body, who shall preside at the board until the next election; and in case of the death, absence, resignation, or vacation of the office of president, the residue of the directors shall choose a president pro tempore; they shall fill all vacancies which may occur in their own body, during the time for which they were chosen, and appoint a cashier, clerks, agents, or servants of the principal Bank, fix their compensation, define their powers, and prescribe their duties; and shall require of them such bonds, and in such penalties, as they may deem right; which bonds shall be laid monthly before the directory, and an entry made thereof on record; and the directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions, as in their opinion, will secure the Bank from loss or damage; and all such officers shall hold their places during the pleasure of the president and directors.

SEC. 9. The president and directors of the principal Bank (any seven of whom shall form a quorum for the transaction of business,) may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management and disposition of the property, estate, funds, and business of the Bank, and all matters appertaining thereto, as they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules and regulations which the stockholders, at their annual or other meetings, may, from time to time, prescribe: provided, however, that a concurrence of a majority of all the directors shall be necessary in the adoption of any of the by-laws of the institution.

SEC. 10. The president and directors shall hold stated meetings at least once a week, on such days, and at such hour of the day, as they may, from time to time, appoint, and at such other times as they may agree on; and they shall attend called meetings at any time the president shall so direct; and all questions before the board shall be decided *viva voce*, and on the request of any two members, the yeas and nays, on any proposition submitted, shall be entered or recorded on the journal of their proceedings; and no vote shall be re-considered, when a less number are present, than when the vote was given.

SEC. 11. The president and directors of the principal Bank shall establish not less than three branches south of Green river, at such time, and at such places as a majority of the stockholders shall determine upon and designate, for which purpose the president and directors shall call a meeting of the shareholders, at the mother Bank, at such time as they may think proper, having notified them thereof, by advertisement, published in some public newspaper, printed at Frankfort, for one month previous to said meeting; provided, that one branch shall be located west of the Tennessee river; provided, further, that the president and directors of the mother Bank shall locate one branch in the fourth Congressional District, composed of the counties of Adair, Cumberland, Clinton, Russell, Casey, Pulaski, Wayne, Rockcastle and Whitley, at such place within said district as a majority of the stockholders therein to said branch shall agree upon; and in case they shall not agree on said place at a full meeting or three fourths thereof, then and in that event, the president and directors of the mother Bank shall appoint

the place of location of said branch, within the limits of the district aforesaid. The amount of capital which shall be employed at the principal Bank, and at the several branches, shall be under the control of the president and directors of the principal Bank, so as to employ the same most advantageously to the stockholders and the community; and the right of the president and directors of the principal Bank to change the location of a branch, which shall have been mismanaged, or shall have proved unproductive, shall be unquestionable: provided, there shall not be employed more than one fourth of the capital stock actually paid in, as banking capital, in the principal Bank, unless authorized by the Legislature; but it shall be lawful to employ the first three hundred thousand dollars, paid in by individuals, companies and corporations, as banking capital in the principal Bank, and it shall then be the duty of the president and directors of the principal Bank, to employ the residue of the capital stock, as paid in, to the establishment of branches, until twelve hundred thousand dollars of the balance of the capital stock paid in shall be employed in the branches; and, thereafter, one fourth of what shall be paid in, shall be employed in the principal Bank: provided, however, that nothing in this section shall be so construed, as to authorize and empower the president and directors of the principal Bank to withdraw or remove any of the branches whioh may be located by them, so long as the same shall yield a net dividend of six per cent. per annum, upon the amount of capital which shall have been allowed to such branch, and shall be safely and properly managed and directed.

SEC. 12. The president and directors of the principal Bank shall have power and authority to appoint nine directors, and a cashier, for each of the branches, taking care to appoint qualified stockholders as directors.—They shall also prescribe such rules and regulations, for the government of the branches, as they may deem right, and shall have power to enforce the same.

SEC. 13. The directors of each of the branches shall choose one of their own body as president, appoint a clerk, and such other officers as the president and directors of the principal Bank shall direct; and not less than a majority of them shall form a quorum for the transaction of business.

SEC. 14. That no dividend of the profits of said Bank shall be declared until there shall be a surplus of twenty thousand dollars, for each million of dollars of the capital stock of the Bank actually paid in; and the surplus or contingent fund so raised, shall never be reduced below that ratio on all stock paid for; and it shall be the duty of the president and directors of the principal Bank, on the first Monday in January and July of each year, to declare a dividend of the profits, over and above the contingent fund aforesaid, among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given; and if, at any time, said president and directors shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or by any mismanagement or neglect of duty, shall cause any loss or deficiency of or in the capital stock of said Bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders, or any creditor of said Bank who may be injured thereby; and the president and each director shall be deemed guilty of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give notice of his dissent thereto, or his absence from the institution,

in like manner as provided in the fourth section of this charter, and call a meeting of the stockholders as herein provided.

SEC. 15. That it shall be the duty of the cashier of the principal Bank, on the first day of July, 1839, and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the treasury of this Commonwealth, twenty five cents on each one hundred dollars of stock held and paid for in said Bank, which shall be in full of all tax or bonus; provided, that the Legislature may increase or diminish the same; but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said Bank.

SEC. 16. That the board of directors of the principal Bank shall allow to the president thereof, and to the presidents of the branches, such reasonable compensation for their services, as they may, from time to time, deem just; but no compensation shall be allowed to any director of the principal or any of the branches, unless the same be voted by the stockholders at some regular meeting.

SEC. 17. That it shall be the duty of the president and directors of the principal Bank, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete statement to be made, and entered on the journal of the proceedings of the board; and they shall cause the president and directors of the several branches to make a like monthly examination and statement of the accounts of the cashiers, to be made and entered on the journals of their proceedings.

SEC. 18. That it shall not be lawful for the cashier, clerk, teller, or other subordinate officer of the principal Bank, or any of the branches, either directly or indirectly, to engage in, or carry on, any other business, than that of said Bank, without the special license of the president and directors of the principal Bank; nor shall any of them, either directly or indirectly, become indebted to said Bank, either as borrower, endorser, surety, or otherwise; and it shall not be lawful for the president, or any of the directors of the principal Bank, or branches, to become bound as surety, or accommodation-endorser, on any note or bill to be discounted in said Bank; and a violation of any of the provisions of this section, shall subject the person violating the same to a penalty of five thousand dollars, to be recovered by action of debt in the name of the corporation, and for its use and benefit.

SEC. 19. That if the cashier, clerk, teller, agent, or other officer of the principal Bank, or any of its branches, shall, without the authority of the president and directors of the Bank or branch, as the case may be, appropriate any of the funds of said corporation to his own use, or to that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the Bank, with intent to cheat or defraud the corporation, or any person, or to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period of not less than five nor more than twenty years.

SEC. 20. That the president and directors of the principal Bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders, when by them demanded, at any regular meeting; and they shall be open to inspection and examination of the Governor of this Com-

monwealth, or any person duly authorized by him, or to any committee appointed by the Legislature; and the president and directors of the principal Bank shall cause the president and directors of the branches to keep a record or journal of all their proceedings, which they shall produce to the president and directors of the principal Bank at all times, or to any person or persons authorized by them to inspect the same; and which shall be opened to the inspection of the Governor of this Commonwealth, or any person duly authorized by him; and to the stockholders, at any general meeting, or to any committee appointed by the Legislature.

SEC. 21. That it shall be the duty of the president and directors of the principal Bank, during the first week of the session of the Legislature in each year, to transmit to the Secretary of State an accurate and just statement of the condition of the principal Bank and branches, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in; and the value of the real estate belonging to the Bank, and its cost; the total amount of the debts due to and from the Bank; the amount of gold and silver and other coined metal and bullion on hand; the amount deposited; the amount of bills in circulation, and the amount of bills on hand of other incorporated Banks, and the amount of notes in circulation of each denomination issued by the Bank; the rate and amount of each dividend of profits made by the Bank, with the amount of surplus profits or the contingent fund; which statement the Governor of the Commonwealth shall cause to be laid before the Legislature of Kentucky; and they shall, when required by the Legislature, report all bad and doubtful debts.

SEC. 22. That the presidents, cashiers, directors, clerks, tellers, and all other officers of the principal Bank and branches, previously to entering on the discharge of their duties, shall take an oath, before some justice of the peace of this State, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

SEC. 23. The said Bank shall not contract for, or receive a greater rate of interest, than at the rate of six per centum per annum, for the loan or forbearance of money; and interest on promissory notes, negotiable and payable at said Bank, and there discounted, shall be calculated on the true time such notes have to run, including three days of grace; and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

SEC. 24. That the president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock of said Bank shall be considered, and held in law, as personal property, and assignable and transferable only in such manner, and at such place or places, as the president and directors of the principal Bank shall, by their by-laws, prescribe.

SEC. 25. The certificates of deposit, bank bills, or notes, bills of exchange, post notes, or orders issued, by said Bank, and signed by the president and countersigned by the cashier, promising or requesting the payment of money to any person or persons, and to order or bearer, as the case may be, shall be obligatory on said Bank, although not under its seal; and such of said

notes or bills, as shall be payable to order, shall be transferable by assignment, and those made payable to bearer, by delivery.

SEC. 26. That the general meeting of the stockholders shall be held annually on the first Monday in May, in each year, at such place as may be designated for the location of the principal Bank, at the time of the annual election; to which meeting the president and directors of the principal Bank shall present an accurate statement of the condition and affairs of the Bank; and general meetings of the stockholders may be called, as provided in the charter, or by the president and directors of the principal Bank, when they esteem it desirable, or by any number of stockholders, the by-laws of the corporation shall require.

SEC. 27. The Legislature shall have the right to investigate the situation and affairs of said Bank, by any committee they may appoint for that purpose, from time to time.

SEC. 28. The General Court shall have jurisdiction to try the forfeiture of this charter, for the violations of any of the provisions of the same. The proceedings shall be by *scire facias*, alleging and specifying the act of forfeiture relied on; and shall only be sued out, at the instance of the Attorney General, when directed to do so, by order of the Legislature.

SEC. 29. That ——— shall be, and they are hereby constituted and appointed Commissioners to open books and receive subscriptions for the capital stock of said Bank, and to superintend the election of the first board of directors; any three of whom shall be competent to exercise the powers and perform the duties required by this section.

SEC. 30. The said Commissioners shall have power, and they are authorized and required, on the second Monday of April, 1839, or at such other time within twelve months thereafter, as they shall deem expedient, having given not less than thirty days notice thereof, in some of the newspapers printed in Hopkinsville, Russellville, Bowlinggreen, Louisville and Lexington, to open books for the subscription of capital stock of said Bank, at Hopkinsville, Russellville, Henderson and Bowlinggreen, and at such other places within the State, as they may deem advisable; and cause said books to be kept open from ten o'clock in the morning until two in the evening, for at least twenty days, and until ten thousand shares shall have been subscribed, when the same may be closed; and if more than twenty thousand shares shall have been subscribed by individuals, companies and corporations, the said commissioners shall deduct the excess from the largest subscriptions, in such manner that no subscription shall be reduced and leave the subscription of any other, larger; and said commissioners may, if they deem it advisable, cause books to be opened for the subscription of any part of the stock they may direct, in any of the principal cities of the United States, on such days as they may deem advisable: provided, that the duties to be performed under this section, may be done by the commissioners, or any three of them, or by such persons as they may think proper to appoint.

SEC. 31. That if the whole twenty thousand shares of capital stock shall not be taken, when the books of subscription shall first be opened by the commissioners, the president and directors may cause the books to be opened, annually, on the first Monday in May, or at such other time in the year as they may direct, and cause them to be kept open not less than twenty days, or until the whole balance shall be taken; and the president and directors may require such premium on the stock sold at the re-opening of the

books, as they shall deem right; and such premium shall be the property of the Bank.

SEC. 32. That when not less than ten thousand shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice, in some public newspapers printed at each of the places where the books may have been opened, if there be a newspaper printed at such place, and stock there subscribed; and appoint a day and place in the town of ——— in the county of ———, for the election of the first board of directors for said Bank; who shall hold their offices until the succeeding annual election; and not less than thirty, nor more than sixty days notice shall be given of the time and place of electing the said board of directors; and some three of the commissioners shall act as inspectors of the election, and shall take the proper oaths, and perform all the duties of inspectors of election in like cases.

SEC. 33. That the payment of the shares of the capital stock held by individuals, companies and corporations, shall be made in gold and silver, except as may be herein and hereafter pointed out, and at the times, and in the manner following, to wit: five dollars on each share, to the commissioners, at the time of subscribing, and five dollars on each share, within ten days after the election of the first board of directors; and twenty dollars on each share, within sixty days thereafter; and the residue shall be paid in such instalments as the president and directors of the principal Bank shall require: provided, that not more than twenty dollars shall be called, at any one time, on each share; nor shall the time between the calls, be less than ninety days: and provided further, that such portion of the shares as may be secured by a pledge of real estate, as hereafter authorized, may be paid as pointed out, in the clause relating thereto.

SEC. 34. That should any of the subscribers to the capital stock of said Bank fail or refuse to pay for their stock, as herein provided, the president and directors, first giving public notice, in at least two public authorized newspapers, printed in this State, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held, for the benefit of the Bank.

SEC. 35. That the Governor of this Commonwealth shall be, and he is hereby, authorized and directed, within ten days after the commissioners shall notify him that ten thousand shares of the capital stock of said Bank have been subscribed by individuals, companies or corporations, to subscribe for, and on account of, the Commonwealth, ten thousand shares of the capital stock of said Bank; and he is further authorized and directed, when the third instalments shall have been paid by individuals, companies and corporations, on the request of the president and directors of said Bank, to pay five thousand shares thereof, by executing to said president and directors, the bonds or scrip of this Commonwealth, for five hundred thousand dollars, in such amounts as they may require; bearing on the face, an interest of five per cent. per annum, payable by this Commonwealth, on the first Mondays of January and July, in each year, at the principal Bank, and redeemable, at pleasure of the Commonwealth, at any time within five years after the expiration of this charter; and when one million of dollars shall have been paid into said Bank by individuals, companies and corporations, the

Governor of this Commonwealth is further authorized and directed, on the application of the said president and directors, to pay for five thousand additional shares of said stock, by executing the like bonds or scrip of this Commonwealth, for five hundred thousand dollars, bearing like interest; which bonds and scrip shall be received by said president and directors, as payment in full, for ten thousand shares of said stock; and it shall be lawful for the president and directors of said Bank to sell and transfer said bonds or scrip; and by endorsement thereon, to agree and bind the Bank to pay the interest, either annually or semi-annually, to the holder of the same, without any demand being made upon the State for the interest thereof, at any place or places within the United States; and said bonds or scrip shall be transferable at such place or places, and in such manner, as the president and directors shall prescribe by their by-laws; but the same shall at no time, be sold or transferred, or otherwise disposed of, by the president, directors and company of said Bank, for a less sum than the nominal amount of any such bond or scrip, with the interest which may be due thereon; and it shall be the duty of the president and directors of said Bank, out of the amount of the dividends which will be due the Commonwealth on the stock, to redeem the aforesaid bonds or scrip, for interest, without charge; and the residue of such dividends is hereby set apart for the payment of the interest upon such loan as the State may make for internal improvement, until otherwise directed by law. The Governor of this Commonwealth, for the time being, shall annually nominate, and with the advice and consent of the Senate, appoint three directors, on the part of the Commonwealth, in this institution, who shall hold their office until their successors may be duly appointed and qualified; and if any director thus appointed, shall vacate his office by death, removal from the State, resignation, or otherwise, the Governor is hereby empowered to fill the vacancy; and should said Bank go into operation during the recess of the Senate, the Governor shall, as in other cases, make a pro tempore appointment: provided, nevertheless, that in lieu of paying the subscription authorized on the part of the State, in bonds or scrip, as herein provided, the said subscription may be paid in gold or silver; and the Governor is hereby authorized to execute and sell the bonds or scrip of this Commonwealth, redeemable at the pleasure of the State after twenty years, and within five years after the expiration of the charter, for the payment of the several instalments on the part of the State: provided, the said scrip can be sold at for not less than its nominal amount, at a rate of interest not exceeding five per cent. per annum; and in the event of such sale, it shall be the duty of the Bank to pay the interest on said scrip, in the same manner as is provided by this act, should said subscription be paid in said scrip.

SEC. 36. That so soon as two hundred thousand dollars of capital stock shall have been paid in by individuals, companies or corporations, in gold or silver, the president and directors shall cause the Governor of this Commonwealth to be notified thereof, who is hereby authorized to appnint some suitable person to count the money so paid in as capital stock, who shall take the oath of the president, and not less than six of the directors, that the same has been paid in as stock, bona fide, and make due return thereof to him; and on such appearing to be the fact, the Governor is authorized to issue his proclamation, that the amount hereby required to be paid in, and in the funds hereby required, has been paid, and the said Bank is authorized to commence

operations as a banking institution; and from and after the first proclamation, it shall be lawful for said Bank to commence business.

SEC. 37. That no individual, company or corporation, shall be allowed to hold more than one thousand shares of the capital stock of said Bank, in their own names, or the names of others in trust for them; and all stock that any individual, company or corporation shall take or hold, contrary to this provision, shall be forfeited to the Bank, for the benefit of the other stockholders; and no individual, company or corporation shall be allowed, in person or by proxy, to vote at the first election of directors, on any stock, which may stand in his, her, or their names, without first making oath that the stock, bona fide, belongs to him, her or them, and is not held in trust for others.

SEC. 38. That if any stockholder or stockholders in said Bank, who shall not be a citizen or citizens of the United States, shall vote, or authorize any person to vote at the election of directors for said Bank, upon the stock held by such person or persons, not a citizen or citizens of the United States, or which may be held by others for his, her or their use and benefit, such stock so held, and which may have been voted upon, or authorized to be voted upon, at any of the elections for directors of said Bank, shall be forfeited by such stockholder or stockholders, to, and for the use of said Bank.

SEC. 39. That the president and directors of the principal Bank shall have power and authority to purchase and transfer any scrip or bonds which may be issued by the State, not exceeding one million of dollars.

SEC. 40. That the president and directors of the principal Bank may, under the direction of such agent or agents, as they may think proper to appoint, keep open books for the transfer of the stock of said Bank, at such places, and under such regulations and by-laws, as they may deem proper.

SEC. 41. That the president and directors of the principal Bank shall cause their cashier to make quarterly reports, on the first day of January, April, July and October, in alphabetical order, of all the debts due said Bank, setting out the amount due by each individual, with the names of the endorsers, and a note of the other security, the date of the notes, or bills, and when payable; and they shall cause the cashier of the branches to make a like complete memorandum, in alphabetical order, of all the debts due at the several branches by each individual, with the name of the endorser and other security, and the date of the notes and bills, and when payable; one copy of which shall be retained at the branch, another copy shall be transmitted to the principal Bank, and these memorandums shall, at all times, be open to the examination of the president and directors of the principal Bank and branches.

SEC. 42. That said Bank shall not make any loan of money, or discount any note or bill on the pledge of the stock of said Bank, in any case whatever; and no stockholder shall be allowed to pay any debt he may owe to the Bank, by the surrender of the stock of the Bank, until all the notes of the Bank shall have been redeemed, and all the debts of the Bank paid; and stockholders who shall become indebted to the Bank, shall be compelled to pay their debts, in all respects, as other persons dealing with the Bank; nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said Bank.

SEC. 43. That the real estate purchased by said Bank under judgments or decrees in favor of others, where it shall be necessary to purchase the estate in order to secure the payment of some debt due the branch, and the real estate taken in payment of the debts due the Bank, shall be sold within

five years next after the estate shall have been fully acquired, and the possession taken or recovered; and on failure to sell the estate within five years, the same shall be vested in the Commonwealth without office found.

SEC. 44. That it shall be the duty of the president and directors of said Bank, to locate the branches, so soon as the subscription and payment of the stock will justify their doing so. The Legislature reserve the right to enforce the establishment of the branches, upon the terms and in the manner prescribed by this act.

SEC. 45. That it shall be the duty of the president and directors of said Bank, if the whole stock shall not be sold before the organization of the principal Bank, to cause books to be opened at some suitable place or places in that section of the State where they are about to establish a branch, and allow to the subscribers of stock at those places, the like terms, as if they had been original subscribers.

SEC. 46. That the bills or notes of said corporation, made payable to bearer, shall be receivable in all payments to the State, and on account of county levies, so long as it shall redeem its notes in gold or silver on demand, unless otherwise directed by law.

SEC. 47. That after the third instalment on the subscriptions to the capital stock of this Bank shall have been paid, each subscriber for such stock, for the ten thousand shares first subscribed, may execute a bond payable to the president and directors of said Bank, for the sum of seventy dollars on each share so subscribed, bearing an interest of six per centum per annum, payable on the first day of May, 1869, at the principal Bank; and to secure the payment of the same, may execute a mortgage in like manner on any real estate, in this Commonwealth, which shall, exclusively of the growing crop thereon, be worth at least double the amount so to be secured; and to which the mortgagor shall have a clear and indisputable title, the value of, and title to which, shall, previously to the execution of said mortgage, be ascertained, as herein pointed out.

SEC. 48. That preparatory to the execution of said mortgages, for the purpose of ascertaining the value of the lands so proposed to be mortgaged, it shall be the duty of the president and direcrors of said principal Bank to notify the Governor of this Commonwealth for the time being, that said third instalment has been paid in such manner as has been directed by this act; and thereupon it shall be his duty to nominate and appoint two individuals of competent legal skill to make examination thereof, to be styled the Board of Commissioners, for the examination of titles to real estate, whose duty it shall be to meet in the town of ——, in the county of ——, at such time as the Governor may appoint; and of which time of meeting, notice shall be published, for one month preceding, in some newspaper published in the town of Frankfort. It shall be the duty of the Commissioners, when so convened, to proceed to the examination of the titles to such lands as may be laid before them, and to reject those that may appear to be invalid or doubtful, and to report those of clear and unexceptionable title, which may be ascertained to be so, with the estimated value thereof, as previously ascertained by valuers. The commissioners so to be appointed by the Governor, previously to entering upon the discharge of their duties, shall take an oath before a Justice of the Peace of —— county, faithfully and honestly to discharge the duties enjoined upon them; which shall be certified to the Governor on the written report made, as above directed, by said commissioners,

and the Governor shall have power to fill, from time to time, any vacancy which may occur in said board of commissioners, and to appoint another in the place of such one of said commissioners as may refuse to accept said appointment. And the said board of examiners shall be, and are hereby, vested with power to examine, on oath, every owner of land presenting his title for examination, as to the condition of said title, and whether he has heard of, or has reasons to suspect, that there is any conflicting title or claim to said land, and to propound such other interrogations touching the same, as they may think proper.

SEC. 49. That for the purpose of ascertaining the value of lands so proposed to be mortgaged, it shall be the duty of the president and directors of said principal Bank to nominate and appoint three individuals, as valuers, for each county in which lands proposed to be valued are situated, whose duty it shall be to inspect and value each tract of land proposed to be mortgaged, independently of the growing crops thereon; and to make a written report thereof to said president and directors, under their own signatures; and before entering on the discharge of their said duties, shall take an oath, before some Justice of the Peace, that they will faithfully and honestly estimate the value, in money, of such tracts as they may be called upon to value, and truly and honestly report the same to said president and directors; which report shall contain a description of each tract so valued, by stating the number of acres, as nearly as they can ascertain without admeasurement, to whom it was patented, the county in which, and the stream (if any there be,) on which it lies; which shall be, by said valuers, inserted in a book prepared for that purpose, and in which the Justice who administered the above required oath to said valuers, shall certify that said oath was duly administered as herein required; which report, so soon as the valuers shall have completad the valuations for said county, shall be by them, or one of them, deposited with the president and directors aforesaid, and shall, by them, be laid before the said board of examination of titles of real estate.

SEC. 50. That so soon as the board of examiners shall have completed said examination and prepared a report, the same, with the reports of valuation aforesaid, shall be by said board, forwarded and laid before the Governor, to be deposited and kept in the office of the Secretary of State; and the president and directors aforesaid, may then transfer said bonds and mortgages to the Governor and his successor, for the benefit of the State, by written transfer endorsed thereon; and thereupon, it shall be the duty of the Governor to execute to the said president and directors, the bonds or scrip of this Commonwealth, for such sum as the one half of the estimated value of the lands; the titles to which shall have been reported by the board of examiners to be unexceptionable—shall amount to, not exceeding seven hundred thousand dollars; which bonds or scrip shall bear an interest of six per centum per annum, payable in the same manner, and at the same places, as the interest is directed to be paid on the other bonds or scrip above mentioned; which bonds or scrip shall be for such amounts as may be required by the president and directors, and redeemable on the first day of May, 1869, and shall state on what account it was issued. The president and directors aforesaid, shall have power and authority to sell and transfer said bonds or scrip; and by endorsement thereon, to bind the Bank to pay the interest, either annually or semi-annually, to the holder of the same, without any demand being made upon the State, for the interest thereof, at any place or places in the United

States; and said bonds or scrip shall be transferable at such place or places, and in such manner as the president and directors shall prescribe by their by-laws; but the same shall not be sold or transferred, or otherwise disposed of, by the president, directors and company, for a less sum than the nominal amount, with the interest which may be due thereon; and it shall be the duty of the president and directors of said Bank, with the dividends which may, from time to time, be due to the shareholders, on account of those bonds and mortgages for which the scrip or bonds of the Commonwealth may be issued as above directed, to pay the interest as it shall become due on said last mentioned bonds or scrip, and so far as said interest may be so paid, the bonds of the shareholders secured by said mortgages shall be credited, and interest on said last mentioned bonds shall not commence to accrue thereon, until the said bonds or scrip of the Commonwealth shall be issued.

SEC. 51. That the bonds or scrip so to be issued, shall be received by the president, directors and company, in full of the remainder of the subscription for the capital stock of said Bank, due by those shareholders whose bonds, secured by mortgage, shall have been received; and in consequence of which the bonds or scrip of the Commonwealth may be issued, and proper receipts therefor shall be executed by the Bank, to said shareholders.

SEC. 52. That each of the mortgages aforesaid, shall be recorded in the office of the General Court, upon the certificate of the Clerk of the county court for the county of ——, that the same was acknowledged in his office, before him, as clerk, by the mortgagor, and shall be valid and take effect from the day of said acknowledgment; and the General Court shall, and is hereby vested with jurisdiction and authority to enter judgments on suits commenced on said bonds; and, on bill filed, in the name of the Governor, for the time being, against the mortgager, to enter a decree foreclosing the mortgagor's equity of redemption in and to the land, in said mortgage described, at any time after said bonds, by said mortgagors, shall become due and remain unpaid.

SEC. 53. That the valuers aforesaid shall be entitled to —— each for every tract of land valued by them not exceeding 500 acres, and to an additional compensation of —— per cent. thereon for every 100 acres which such tract may contain exceeding 500 acres, to be paid by the person for whom the service is performed.

SEC. 54. That each of the commissioners of the said Board of Examiners shall be entitled to the sum of —— per day, for each day that they may be employed in the discharge of the duties incumbent on them, and to the same for each day consumed in going to and returning from the place of session, to be paid to them by the Bank; and to raise a fund to aid the Bank in paying said compensation, for each tract of land, the title papers to which may be presented for examination, the person presenting the same shall pay to said commissioners for the Bank —— in advance, which shall be accounted for by them to said Bank.

SEC. 55. That no shareholder of those shares of stock which shall be in part secured by bonds and mortgages, as herein before directed, shall be allowed to draw any dividend until there shall have been a sufficient amount collected and retained, after paying the legal interest on his bond so secured by mortgage, as will fully discharge such bond of seventy dollars on each share so taken, which dividend so retained shall be employed as other funds of said Bank.

Mr. McElroy moved an amendment as a substitute for the said bill—the eleventh section of which reads as follows:

SEC. 11. The president and directors of the principal Bank shall establish not less than three branches south of Green river, at such places as a majority of the stockholders shall select, and two branches north of Green river, at such time as the president and directors may designate. The amount of capital which shall be employed at the principal Bank, and at the several branches, shall be under the control of the president and directors of the principal Bank, so as to employ the same most advantageously to the stockholders and the community; and the right of the president and directors of the principal Bank to change the location of a branch, which shall have been mismanaged, or shall have proved unproductive, shall be unquestionable: provided, there shall not be employed more than one fourth of the capital stock actually paid in, as banking capital, in the principal Bank, unless authorized by the Legislature; and it shall be lawful to employ the first two hundred thousand dollars, paid in by individuals, companies and corporations, as banking capital in the principal Bank, and it shall then be the duty of the president and directors of the principal Bank, to employ the residue of the capital stock, as paid in, to the establishment of branches, until nine hundred thousand dollars of the balance of the capital stock paid in shall be employed in the branches; and, thereafter, one fourth of what shall be paid in, shall be employed in the principal Bank: provided, however, that nothing in this section shall be so construed, as to authorize and empower the president and directors of the principal Bank to withdraw or remove any of the branches which may be located by them, so long as the same shall yield a net dividend of six per cent. per annum, upon the amount of capital which shall have been allowed to such branch, and shall be safely and properly managed and directed.

Mr. Dohoney moved the following as an amendment thereto. After the word "*designate*," insert the following proviso:

"Provided, That one of said branches shall be located in the fourth Congressional district, at such place as the stockholders of said Bank may direct."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Dohoney and Dorton, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Daviess, | Pirtle, |
| Apperson, | Dohoney, | Riffe, |
| Bailey, | Dorton, | Rodes, |
| Buford, | Edmonson, | Shanklin, |
| Bullock, | Harris, | Smith, L. B. |
| Buckner, | Jasper, | Sutton, |
| Burden, | McClure, | Trumbo, |
| Clay, | McFall, | Wade, |
| Coffey, | Morris, | White—27. |

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, A.
Andrews,
Ballard,
Basye,
Blair,
Bledsoe,
Bodine,
Bradley,
Bradshaw,
Brooks,
Browder,
Butler,
Coleman,
Cofer,
Cornish,
Ellison,
Field,
Finn,
Fox,
Gano,
Goble,
Goodson,
Gough,
Gray, B. E.
Gray, N. E.
Haggard,
Hardy,
Heady,
Hopkins,
Howard,
Hughes,
Johnson,
Latimer,
Lecompte,
Marshall,
McBrayer,
McClung,
McElroy,
Meriwether,
Mims,
Morehead,
Myers,
Newell,
Newton,
O'Bannon,
Pope,
Purdy,
Redd,
Reeves,
Ritter,
Root,
Rowan,
Rowlett,
Royston,
Sharpe,
Slaughter,
Smith, I.
Swope,
Taggart,
Thomas,
Thornburg,
Todd,
Trimble,
Waddle,
Walker,
Wintersmith,
Yates—69.

The question was then taken upon the said amendment offered by Mr. McElroy as a substitute, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McClure and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, A.
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Ballard,
Basye,
Blair,
Bledsoe,
Bodine,
Bradley,
Bradshaw,
Brooks,
Bullock,
Buckner,
Clay,
Coleman,
Edmonson,
Ellison,
Field,
Fox,
Gano,
Goodson,
Gough,
Haggard,
Hardy,
Harris,
Heady,
Howard,
Hughes,
Johnson,
Latimer,
Marshall,
McBrayer,
McClung,
McElroy,
Newell,
Newton,
O'Bannon,
Purdy,
Ritter,
Rodes,
Royston,
Shanklin,
Sharpe,
Slaughter,
Smith, I.
Smith, L. B.
Swope,
Taggart,
Thornburg,
Todd,
Trimble,
Trumbo,
Waddle,

| | | |
|---|---|---|
| Cofer, | Mims, | Walker, |
| Cornish, | Morehead, | Wintersmith, |
| Dorton, | Myers, | Yates—66. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Browder, | Gray, N. E. | Reeves, |
| Buford, | Hopkins, | Riffe, |
| Burden, | Jasper, | Root, |
| Butler, | Lecompte, | Rowan, |
| Coffey, | McClure, | Rowlett, |
| Daviess, | McFall, | Sprigg, |
| Dohoney, | Morris, | Sutton, |
| Finn, | Pirtle, | Thomas, |
| Goble, | Pope, | Wade, |
| Gray, B. E. | Redd, | White—30. |

Mr. McElroy then moved the previous question; and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Buford and McClung, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gough, | Newton, |
| Anderson, A. | Gray, B. E. | Purdy, |
| Andrews, | Haggard, | Redd, |
| Ballard, | Heady, | Ritter, |
| Bradley, | Howard, | Rowan, |
| Bradshaw, | Hughes, | Smith, I. |
| Bullock, | Latimer, | Smith, L. B. |
| Cofer, | Marshall, | Swope, |
| Combs, | McClung, | Taggart, |
| Edmonson, | McElroy, | Todd, |
| Ellison, | Meriwether, | White, |
| Field, | Mims, | Wintersmith—37. |
| Goodson, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Pirtle, |
| Messrs. Anderson, S. H. | Finn, | Pope, |
| Apperson, | Fox, | Reeves, |
| Bailey, | Gano, | Riffe, |
| Basye, | Goble, | Rodes, |
| Blair, | Gray, N. E. | Root, |
| Bledsoe, | Hardy, | Rowlett, |
| Bodine, | Harris, | Royston, |
| Brooks, | Hopkins, | Shanklin, |
| Browder, | Jasper, | Sharpe, |

| | | |
|---|---|---|
| Buford, | Johnson, | Slaughter, |
| Buckner, | Lecompte, | Sprigg, |
| Burden, | McBrayer, | Sutton, |
| Butler, | McClure, | Thomas, |
| Clay, | McFall, | Trimble, |
| Coleman, | Morehead, | Trumbo, |
| Coffey, | Morris, | Waddle, |
| Cornish, | Myers, | Wade, |
| Daviess, | Newell, | Walker, |
| Dohoney, | O'Bannon, | Yates—60. |

The second section of the amendment offered as a substitute by Mr. McElroy, reads as follows:

SEC. 2. That the said Bank shall have and keep its principal office of discount and deposit *at such place south of Green river, as a majority of the stockholders may designate; when not less than five thousand shares of the capital stock shall have been taken, it shall be the duty of the commissioners to give at least thirty days public notice in three newspapers published in this State, and appoint a day for the stockholders to meet in the town of Elkton, to select a place for the principal Bank; the selection shall be by a majority of all the stockholders who shall be entitled to vote, as at all elections for officers of the Bank; and said meeting shall be under the direction of three shareholders, acting under oath, and previously chosen by the Commissioners;* and it shall have not less than three offices of discount and deposit, south of Green river: Provided, That the president and directors of the principal Bank shall not have power to establish more than five offices of discount and deposit. Its business shall be to lend money, discount promissory notes and bills, and deal in exchange; and it may issue bills and bank notes, payable to bearer on demand, at any of its offices of discount and deposit, but not of less denomination than five dollars; and it shall not issue any notes, bills, checks or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person or persons, and payable and negotiable at the principal office of discount and deposit, or any of the branches, and endorsed to, and discounted by, said Bank, shall be, and they are hereby, put on the same footing as foreign bills of exchange; and remedy may be had, jointly or severally, against the drawers or endorsers, and with like effect, except as to damages, and except that, in a regular course of administration they shall have no greater dignity or priority of payment than other notes; and the said Bank shall not, directly or indirectly, deal or trade in any thing except lending money, and in exchange, and in gold or silver bullion, or in the sale of goods, chattels, rights and credits really and truly pledged for money lent, and not redeemed in time, or goods which shall be the proceeds of its lands.

Mr. Browder moved the following amendment to the said second section, viz: Strike out all of that part of the section printed in italics, and insert the following:

"That the said Bank shall have and keep its principal office of discount and deposit in the town of ——, south of Green river."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Browder and Bledsoe, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Morris, |
| Messrs. Allen, | Dohoney, | Myers, |
| Anderson, S. H. | Dorton, | O'Bannon, |
| Andrews, | Finn, | Pirtle, |
| Apperson, | Fox, | Purdy, |
| Bailey, | Gano, | Redd, |
| Ballard, | Goble, | Rodes, |
| Basye, | Goodson, | Root, |
| Blair, | Gough, | Rowlett, |
| Bledsoe, | Graham, | Shanklin, |
| Bodine, | Gray, B. E. | Sharpe, |
| Bradley, | Hardy, | Smith, L. B. |
| Brooks, | Heady, | Sprigg, |
| Browder, | Hopkins, | Sutton, |
| Buford, | Howard, | Thomas, |
| Bullock, | Jasper, | Trimble, |
| Butler, | Lecompte, | Trumbo, |
| Clay, | McBrayer, | Waddle, |
| Cofer, | McClung, | Wade, |
| Coffey, | McClure, | Walker, |
| Combs, | McFall, | White, |
| Cornish, | Morehead, | Yates—66. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Johnson, | Riffe, |
| Bradshaw, | Latimer, | Ritter, |
| Burden, | Marshall, | Rowan, |
| Coleman, | McElroy, | Royston, |
| Edmonson, | Meriwether, | Smith, I. |
| Ellison, | Mims, | Swope, |
| Field, | Newell, | Taggart, |
| Gray, N. E. | Newton, | Thornburg |
| Haggard, | Pope, | Todd, |
| Hughes, | Reeves, | Wintersmith—30. |

Mr. Andrews then moved the previous question; and it was decided in the affirmative.

The main question was then put, Shall the bill, as amended, be engrossed, and read a third time? and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McElroy and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, S. H.
Bailey,
Basye,
Blair,
Bledsoe,
Bodine,
Bradshaw,
Brooks,
Browder,
Buford,
Bullock,
Buckner,
Burden,
Butler,
Clay,
Coleman,
Cofer,
Coffey,
Combs,
Cornish,
Daviess,
Dorton,
Edmonson,
Ellison,
Field,
Fox,
Gano,
Goodson,
Gough,
Gray, B. E.
Gray, N. E.
Haggard,
Hardy,
Heady,
Hughes,
Jasper,
Johnson,
Latimer,
Lecompte,
McBrayer,
McClung,
McClure,
McElroy,
McFall,
Meriwether,
Mims,
Morehead,
Morris,
Myers,
Newell,
Newton,
O'Bannon,
Pirtle,
Pope,
Purdy,
Redd,
Reeves,
Riffe,
Rodes,
Root,
Rowan,
Smith, I.
Smith, L. B.
Taggart,
Thomas,
Thornburg,
Todd,
Trimble,
Trumbo,
Waddle,
Walker,
White,
Wintersmith,
Yates—76.

Those who voted in the negative, were—

Messrs. Anderson, A.
Andrews,
Apperson,
Ballard,
Bradley,
Dohoney,
Finn,
Goble,
Graham,
Hopkins,
Howard,
Marshall,
Ritter,
Rowlett,
Royston,
Shanklin,
Sharpe,
Slaughter,
Sprigg,
Sutton,
Swope,
Wade—22.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Mr. Pirtle then moved to amend said bill by way of engrossed ryder.

Mr. Andrews then moved the previous question, and it was decided in the affirmative.

The main question was then put, Shall the bill pass? and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Andrews and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, S. H.
Bailey,
Basye,
Blair,
Bledsoe,
Bodine,
Bradshaw,
Brooks,
Browder,
Buford,
Buckner,
Burden,
Butler,
Clay,
Cofer,
Combs,
Cornish,
Daviess,
Dorton,
Edmonson,
Ellison,
Field,
Gano,
Gough,
Gray, B. E.
Gray, N. E.
Hardy,
Harris,
Heady,
Hughes,
Jasper,
Johnson,
Latimer,
Lecompte,
McBrayer,
McClung,
McElroy,
Meriwether,
Mims,
Morehead,
Myers,
Newell,
Newton,
Pope,
Purdy,
Redd,
Reeves,
Rodes,
Rowan,
Smith, I.
Smith, L. B.
Taggart,
Thornburg,
Todd,
Trimble,
Tumbo,
Waddle,
Wintersmith,
Yates—61.

Those who voted in the negative, were—

Messrs. Anderson, A.
Andrews,
Apperson,
Ballard,
Bradley,
Bullock,
Coleman,
Coffey,
Dohoney,
Finn,
Fox,
Goble,
Goodson,
Graham,
Hopkins,
Howard,
Marshall,
McClure,
McFall,
Morris,
O'Bannon,
Pirtle,
Riffe,
Ritter,
Rowlett,
Royston,
Shanklin,
Sharpe,
Slaughter,
Sprigg,
Sutton,
Swope,
Thomas,
Wade,
Walker,
White—36.

*Resolved*, That the title thereof be as aforesaid.

And then the House adjourned.

## FRIDAY, JANUARY 25, 1839.

1. Mr. McClung presented the petition of Cornelius Drake, praying the passage of a law authorizing a sale of the interest of the infant heirs of Edward Hord, dec'd., in certain real estate.

2. Mr. Johnson presented the petition of George McDaniel, praying the passage of a law amending the existing laws in relation to the admission of receipts as evidence in Courts of Justice.

3. Mr. Royston presented the petition of Dawson Elliott, Constable of Madison county, praying the passage of a law allowing him further time to return his delinquent list of muster fines for the years 1836 and 1837.

4. Mr. Hopkins presented the petition of Fountain Cunningham and others, praying the passage of a law releasing said Cunningham from the penalties of a bond for certain arms drawn from the Public Arsenal.

5. Mr. Rowan presented the petition of James Newton, praying the passage of a law remunerating him for loss sustained by him in the destruction of his mill and seat on Rough creek, by the erection of lock and dam No. 2, on Green river.

6. Mr. Reeves presented the petition of sundry citizens of Todd county, praying the passage of a law authorizing a change of the State road from Hopkinsville to Morgantown, in Butler county.

7. Mr. Morehead presented the petition of Joseph E. Settle, administrator of Daniel Riley, dec'd., praying the passage of a law authorizing a sale of part of the real estate of said deceased, to pay his debts.

8. Mr. Trimble presented the petition of the Trustees of the Town of Greenupsburg, praying the passage of a law authorizing them to grant license to coffee houses, &c., in said town.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 2d and 7th to the committee for Courts of Justice; the 3d to the committee on Ways and Means; the 4th to the committee on Military Affairs; the 5th to the committee on Propositions and Grievances; the 6th to the committee on Internal Improvement, and the 8th to Messrs. Trimble, Mims, White and McClure.

A message was received from the Senate, announcing their concurrence in the report of the committee of conference on a bill from the Senate, entitled, An act to amend the charter of the Lexington and Georgetown Turnpike Company.

And their disagreement to a bill from this House, entitled, an act for the benefit of Nelson Dyer.

And the passage bills from this House, of the following titles, viz:

An act for the benefit of Nancy Collins.

An act to change the place of voting in an election precinct in Cumberland county.

An act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

An act in relation to the roads in Clay and Perry counties.

An act allowing an additional Justice of the Peace to Oldham county.

With amendments to the four last named bills.

And the passage of bills from the Senate, of the following titles, viz:

An act to regulate the administration and settlement of estates.

An act establishing the office of Comptroller of the Treasury, and for other purposes.

An act to authorize a change of venue in the trial of John S. Lasley.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

An act to incorporate the town of Louisa, in Lawrence county.

An act for the benefit of Rebecca Evans.

An act to repeal so much of the 79th section of the militia law as requires the militia men to carry guns to muster.

An act for the benefit of Wm. Spratt, and others.

An act to incorporate the town of Rumsey.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved Feb. 23, 1837.

An act for the benefit of Thomas Smith, of Lexington.

An act to authorize the sale of the Seminary lands of Wayne county.

An act to amend the charter of the town of Paducah.

An act for the relief of the Sheriff of Logan county.

Mr. Shanklin, from the joint committee on Enrollments, reported that the commitee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act giving officers, and crews, and mechanics, and others, a lien on steamboats.

An act for the benefit of the heirs of John T. Langhorne.

An act to authorize the Clerk of Trigg county to record certain deeds.

An act to amend the charter of the Shepherdsville and Louisville Turnpike Company.

An act for the benefit of Robert and Jane Middleton.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act to incorporate the Franklin Mining and Smelting Company.

An act to change the time of holding the Carter and Pike County Courts.

An act to amend the charter of the city of Louisville.

An act for the benefit of the heirs of John C. Self.

An act to legalize the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia.

An act releasing James Squires from all liability upon his bond, executed to the Quarter Master General, for arms, in the year 1833.

An act to authorize the Register of the Land Office to register certain plats and certificates of survey made in Warren county, in 1838.

An act for the benefit of Harman Hurst.

An act to make an addition to the town of Rochester, in Butler county.

An act for the benefit of the Sheriff of Adair county.

An act for the benefit of Joseph Allen.

An act for the benefit of Ferdinand Hunn.

An act for the benefit of Sarah Ann Brown.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act to allow an additional Justice of the Peace to Barren county.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Heady—1. A bill for the benefit of Harman A. Sledger's administrator.

On the motion of same—2. A bill to make an appropriation of money to turnpike the Harrodsburg, Taylorsville and Louisville road, on the Salt river hill and Pond river valley.

Messrs. Heady, Sprigg and Browder were appointed to prepare and bring in the 1st, and Messrs. Heady, Purdy, Slaughter and Bodine the 2d.

Mr. Dohoney moved the following resolution, viz:

*Resolved*, That the Board of Internal Improvement be, and they are hereby, required to report to this House, the result of their exuamination of the road from Greensburg, by Columbia, Jamestown and Monticello, to the State line, in a direction to Knoxville, Tennessee.

Which being twice read, was adopted.

The House then took up for consideration, the bill to confer banking privileges on the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; and after some discussion had thereon,

On motion of Mr. S. H. Anderson,

*Ordered*, That the further consideration of said bill be postponed until Tuesday next.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Coffey—1. A bill altering a Constable's district in Wayne county.

By the committee on Internal Improvement—2. A bill to authorize Jas. Morgan, sr., to build a mill dam, under certain restrictions, half way across Sandy river.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was ordered to be engrossed and read a third time, and the 2d was referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act to establish the town of Rochester, were twice read and disagreed to.

*Ordered*, That the amendment proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Clerks and Sheriffs of this Commonwealth, be referred to the committee on Ways and Means.

The amendments proposed by the Senate to bills from this House of the following titles, viz :

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to abolish certain streets and parts of streets in the town of Canton, in Trigg county.

An act to change the name of Green Ruby that of Green Kerley.

An act to amend the charter of Centre College.

An act to amend the charter of St. Joseph's College.

An act in relation to the registration of mortgages and deeds of trust.

And an act for the benefit of Maria Waller, an idiot.

An act to extend the powers of the Trustees of the town of Burksville.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., dec'd.

An act to amend the law concerning weights and measures.

An act to incorporate the Trustees of the Rock Spring Church.

An act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.

An act in relation to the roads in Clay and Perry counties.

An act allowing an additional Justice of the Peace to Oldham county.

An act for the benefit of Adam R. Walker,

Were twice read, and concurred in.

Mr. Andrews moved a re-consideration of the vote adopting the amendments proposed by the Senate to a bill from this House, entitled, an act to amend the several acts concerning the towns of Paris and Elizabethtown.

And it was decided in the affirmative.

Mr. Wintersmith then moved an amendment to the amendment proposed by the Senate—which was concurred in.

*Ordered*, That said amendments be referred to the committee on Ways and Means.

Bills from the Senate, of the following titles, viz:

1. An act to authorize Samuel Arnett to qualify as High Sheriff of Nicholas county.

2. An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

3. An act to direct the administration and settlement of estates.

4. An act establishing the office of Comptroller of the Treasury, and for other purposes.

5. An act to authorize a change of venue in the trial of John S. Lasley.

6. An act to incorporate the Blue Lick Hotel and Water Company.

7. An act to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

8. An act to incorporate the town of Louisa, in Lawrence county.

9. An act for the benefit of Rebecca Evans,

10. An act to repeal so much of the 79th section of the militia law as requires the militia men to carry guns to muster.

11. An act for the benefit of Wm. Spratt and others.

12. An act to incorporate the town of Rumsey.

13. An act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved Feb. 23, 1837.

14. An act for the benefit of Thomas Smith, of Lexington.

15. An act to authorize the sale of the Seminary lands of Wayne county.

16. An act to amend the charter of the town of Paducah.

17. An act for the relief of the Sheriff of Logan county.

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was ordered to be read a third time; the 2d, 4th, 14th and 17th were referred to the committee on Ways and Means; the 3d, 5th, 6th, 7th, 8th, 12th, 13th and 16th to the committee for Courts of Justice; the 9th to the committee on Claims; the 10th and 11th to the committee on Military Affairs, and the 15th to Messrs. Coffey, White and McClure.

The rule of the House, constitutional provision and third reading of the 1st bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. S. H. Anderson,

*Ordered*, That the bill from the Senate, entitled, an act to repeal the law prohibiting the importation of slaves into this State, approved February 2, 1833, be laid on the table for the present.

The House then resolved itself into a committee of the whole, on the bill to establish Orphans' Courts in this Commonwealth, Mr. Meriwether in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. Meriwether reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

*Ordered*, That the Public Printer forthwith print 150 copies of the bill from the Senate, entitled, an act establishing the office of Comptroller of the Treasury, and for other purposes—for the use of the members of this House.

And then the House adjourned.

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## SATURDAY, JANUARY 26, 1839.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Elias Dobson.

And the passage of bills from this House, of the following titles, viz:

An act for the benefit of the Sheriffs of Estill and Pulaski counties.

An act for the benefit of the estate of Edmund Hall, deceased.

An act to change the place of voting in the Stamping Ground precinct, in Scott county.

An act for the benefit of the mechanics of Maysville.

An act to change the venue in the case of John D. Perkins.

An act for the benefit of the Sheriff of Madison county.

An act to change the bounds of the Seventh Division of Kentucky Militia, and for other purposes.

An act for the benefit of the Clerk of the Scott Circuit Court.

An act authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson and John Murdaugh.

An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

An act for the benefit of Charity Taylor.

And the passage of bills from the Senate, of the following titles, viz:

An act to incorporate the Maysville Lyceum.

An act for the benefit of Tabitha Hix.

1. Mr. Pirtle presented the petition of sundry citizens of Graves county, praying that a law may pass, authorizing a bridge to be built across Mayfield's creek, in said county.

2. Mr. Rudd presented the petition of sundry citizens of Washington county, praying that a road may be opened to a mill in said county.

Which were received, the reading thereof dispensed with, and referred to the committee on Internal Improvement.

The Speaker laid before the House the report of the Engineer, of the survey made of the road from Greensburg, by Columbia, Jamestown and Monticello, to the State line, in a direction to Knoxville, Tennessee, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
*January* 26, 1839.

*To the Hon.* R. P. LETCHER,

*Speaker of the House of Representatives:*

In answer to a resolution of the House of Representatives, of yesterday, calling on the Board of Internal Improvement to lay before the House "the result of their examination of the road from Greensburg, by way of Columbia, Jamestown, Monticello and the State line, in the direction to Knoxville, Tennessee, I have the honor to inclose you, to be laid before the House, the report of Mr. Snyder, Resident Engineer, who made the reconnoissance.

Very respectfully, your most ob't servant,

SAMUEL DAVIESS, *Ch'n pro tem.*

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ENGINEER'S OFFICE,
*Frankfort, Janaary,* 1839.

SIR:

I have examined the route for a road from Greensburg, through Columbia, Jamestown and Monticello, to the Tennessee line, in the direction of Knoxville, and beg leave to make the following report:

There are at present, two roads between Greensburg and Columbia. By the lower road, which crosses Green river near the steam mill at Greensburg, the distance is about twenty miles; and by the upper road, which crosses the river at Sartin's Ford, about 1¼ miles from the town, the distance is about eighteen miles. The actual distance between the courthouses in each town, in a direct line, is about fifteen miles. In December, 1837, a new route was located, by commissioners appointed by the County Courts of Green and Adair, which deviates from the old upper road, throughout the greater portion of its length; it crosses the river near the steam mill, and ascends the hill immediately beyond—from thence it follows such ridges as

are sufficiently direct, and crosses Russell's creek near Caldwell's mill, about 1½ miles from Columbia.

The lower road was not examined, because it was quite evident that a good road might be made, at least three miles shorter than it. The upper road was examined throughout its length, and found to be very hilly and crooked, generally ascending and descending points of ridges, and following them as far as practicable. No excavations or embankments have been made, except at the crossings of Green river and Russell's creek; the only work generally done, has been the falling of such timber as was found to be in the way. The hills are steep and irregular; but the only difficult places are the descent to Russell's creek on the west, and the ascent from it on the east. The former is made down a branch, which might be much improved by an expenditure of about $150; and the latter is made up the steep point of a rocky ridge, which would require double the expenditure to make it equally as good as the former; but this last might be avoided, by following the bottom on the left to a point near Mrs. Todd's house, where the ascent is much more gentle, and no distance would be lost by the change.

Any expenditure made upon the old road would be likely to be lost, on account of its entire want of fitness for the purpose of transportation.

The new route passing the steam mill, as laid out by the commissioners of Green county, was also examined, and found to be a better location than the old one; but as it was designed to follow ridges as far as possible in the direction to be passed over, instead of endeavoring to keep nearly on a level, it cannot be considered a desirable route. That portion of the new route laid out by the commissioners of Adair county, in the absence of any one acquainted with it was not examined, except about 1½ miles next to Columbia, including the crossing of Russell's creek, and the site for the proposed bridge, which is good; the line thence to the town appears quite practicable.

The country to be passed over between the two towns, is hilly and broken, being situated between Green river and Russell's creek; the tributaries of each, with their various branches, leave no part of it untouched for any distance. Green river, the Caney Fork of Russell's creek, and Russell's creek, must be crossed; but the descents and ascents to and from them, may be made very gradual, at a moderate expense.

The reason for fixing, by law, the point at which to cross Green river, seems to have been based on the supposition that a bridge would be erected at that place, at some future period, which might be made available for crossing the road to Burkesville, a contemplated road to Glasgow, and the road to Columbia.

The river at the ford, near the steam mill, is so wide that a bridge could not be built there, except at a great expense. The only site in that vicinity is at about ⅛ of a mile above the ford, where a brige of 200 feet span, with abutments about 30 feet high, might be built; but the location is bad, as the road, after passing the bridge, would be forced to occupy a narrow strip of bottom (apparently subject to being overflown) at the foot of the ridge on the left, or to ascend the ravine immediately in front, which is very steep and irregular; or to turn short to the right, and be laid on the face of the hill, the whole distance from the bridge to the ford. In either case, the piece of road last mentioned would require to be constructed, unless the bridge should be first erected, as there is no ford at the bridge site. The route by the bottom is the most direct of the three.

Sartin's ford, about 1¼ miles from Greensburg, in the direction of Columbia, presents the best site for a bridge, but no other road could be carried over it. There seems to be no great necessity for a bridge at either place, as the banks are only from 18 to 20 feet high, and seldom overflow; the river is not more than 200 or 220 feet wide, except at the lower ford; the descent is considerable, and the floods pass away in 24 or 36 hours; and there seems no difficulty about keeping a ferry boat during two or three months of the year, while the stream is not fordable. The road between the town and Sartin's ford should be altered, as it crosses two deep ravines, which might be avoided or considerably amended, by throwing it more to the right. After crossing the river, the road should be located on the bottom for about half a mile, crossing a small creek; a portion of this bottom is subject to overflow, but by cutting a new channel for the creek, and using the earth obtained from it to form an embankment, the overflowing of the road would be prevented. After leaving the bottom, it will be necessary to ascend by the slopes of the ridges, in order to cross them. At many points in the distance to Columbia, the ground is so much broken, that an examieation by means of proper instruments will be required, in order to find the best route for a road, together with the expense of construction. A bridge may be needed to pass the road over Russell's creek, of 100 feet span, having abutments about 25 feet high, although there is a ford at a short distance from the bridge site.

The road from Columbia to Jamestown is 18 miles long; the distance in a direct line is about 16 miles. The conntry is much more favorable to the construction of a road, being less broken, and having a less number of obstacles to be encountered, although more water courses are crossed.

The road now in use was examined; the first five miles were found to be nearly level, and although the course is not direct, farther examinations should be made before it is abandoned; thence it becomes more undulating, crossing Glen's Fork of Russell's creek, Cedar creek, the Dry Fork and Cabin Fork of Russell's creek. Instead of crossing the ridge between the Dry Fork and Cabin Fork, it would be best to descend the DryFork, and ascend the Cabin Fork to the present crossing; by which means the hill would be avoided, by a very small increase of distance. At several other points, changes to the right or left might be made with advantage, in order to avoid hills. The distance from Jamestown to Monticello, by the road, is about 20 miles, and in a direct line, about 16 miles. The road from Jamestown to within a mile of the Cumberland river is good; but the descent from the high ground to the level of the river bottom is very steep and bad. A new road has been cut for the greater portion of the descent; but the angle of inclination is too great, belng apparently more than 10 degrees at some points.

There are two routes by which a road might be made, at an angle not exceeding 4 degrees; the one by a hollow, the head of which is passed by the present road, within three miles of Jamestown; by this route, a road would reach the river bottom at a point about half a mile above the mouth of Greasy creek—and the other, by descending the hollow whose head is next beyond the one before mentioned, in the direction of the river, and intersecting the old road at the foot of the hill; the latter route, about a mile long, would seem to be best. After crossing the river, no alteration need be made for about a mile; after which, for 1½ miles to the foot of the hill, the road is crooked and uneven, passing many small branches; the road up the hill is

steep and bad until it arrives at the top of the cliff near the river. It is thought thata better route could be found on the side of the hill, commencing about a mile from the ferry, and ascending gradually to the top of the cliff; from whence the ascents are irregular (some very steep,) to the summit of the ridge which divides the waters of the Cumberland river, Hanna's creek and Beaver creek. This ridge is very irregular and uneven; in the distance from the river to Monticello, which is 16 miles, there are only about 6 miles of moderately good road—about one mile next the river, and about five next to Monticello; the remaining ten miles will require a careful examination, in order to find a better line; but if the ascent to the top of the ridge at Mr. Meadows' house should be improved, the remaining distance might be suffered to remain as it is for the present.

From Monticello to the Tennessee line, by Beaty's salt works, the distance by the road is about 32½ miles, and in a direct line about 25 miles.

The first seven miles of this portion of the road follows the Elk Spring valley, and is generally good; thence to Blevin's (11 miles) it should be almost entirely changed, so as to follow the vallies as far as practicable, and to pass over the hills by more gentle slopes. The second hill which presents itself after passing Johnston's Fork of Kennedy's creek, should either be ascended by a regular grade, and descended through or near Gregory's plantation, or else pass up the valley to the right, and through the gap, crossing the old road near Gregory's, and passing over the Little South Fork of Cumberland, by a bridge above the mill; thence following the point of a ridge to a field in a narrow valley, and continuing up this valley about half a mile beyond Steely's house, where it should commence ascending the hollow on the left, and meet the old road near the foot of the cliff on the top of the ridge, about half a mile beyond James Sogson's cabin; thence it should descend the ravine in which the road is now located, to Blevin's house on Rock creek.

From Blevins', the road must be located down the valley of Rock creek, about 2¼ miles; after which it ascends by the valley of a branch, which is very narrow and rough, the road being very steep. Another road could be made with a more gentle ascent to the top of this spur of the ridge, which divides the waters of Rock creek and the Big South Fork of Cumberland river, arriving at the top at about a mile from the point where the present road reaches it; thence following the spur for a short distance, and descending by a hollow on the right, passing through the gap, and continuing thence on a level to Winchester's shop. At a short distance from this shop, a cliff surmounts the ridge and obliges the road to follow the face of the slope beneath, rendering it very crooked and uneven. A road might be carried through a small break in the cliff to its top, on which a level road could be made for some distance, but it would require to descend at a large break in the cliff, and ascend again beyond the break where the present road ascends it.—Much labor would be required to make the ascents and descents safe and easy at either place, although the cost would not be so great as would be required to make a good road at the base of the cliff. From thence to the high ground near the crossing of the Big South Fork, the road follows the top of the cliff, which has few ascents or descents, the distance being about four miles. The descent from the top of the ridge to the crossing of the river, is very steep and very crooked. Some money has been expended during the past season in repairing and renewing the road; but the location

is so bad, that no advantage can be taken of it, in making a new one. It will only be necessary to make use of any one of the numerous hollows whose heads approach the road on the right, within a mile and a half of the crossing of the river, following it down at a suitable angle until the road reaches the level of the river, and crossing it either at the old ford, near the well, or at the upper one, which is the best of the two. If the crossing is made at the upper ford, it will be necessary to build a bridge over Bear creek, which flows into the river between the fords.

Immediately after crossing, the road commences to ascend the hill at a very steep grade, and arrives at the top, at a distance of less than ¾ of a mile from the river. It will be necessary to make a new road, in order to make the ascent as gradual as that contemplated for the other hills on the road, by prolonging the distance considerably. After ascending to the high ground, there are few difficulties to be encountered thence to the Tennessee line, a distance of about four miles.

The entire road from the Tennessee line to within 7 miles of Monticello, might be altered, greatly to its advantage; but it is presumed, that by making such alterations as seem necessary in order to render the greatest obstacles less formidable, the remainder of the road need not be altered until the future wants of the country may require it.

It is difficult to apportion so small a sum as $5,000 on a road 88 miles long, so as to make the expenditures to the best advantage.

The following apportionment is made to those points which most need improvement:

| | |
|---|---|
| To the road between Greensburg and Columbia, - - - | $1,200 |
| To the road between Columbia and Jamestown, - - - | 500 |
| To the descent to Cumberland river, - - - - - | 400 |
| To the ascent from do. - - - - - - | 450 |
| To the second hill beyond Johnston's Fork, - - - - | 300 |
| Bridge across the Little South Fork, - - - - | 250 |
| Ascent beyond Steely's, - - - - - - | 250 |
| Descent to Rock creek, - - - - - - | 150 |
| Ascent from do. - - - - - - - | 400 |
| Change at Winchester's, - - - - - - | 50 |
| Stair steps, - - - - - - - - | 50 |
| Descent to the Big South Fork, - - - - - | 550 |
| Ascent from do. - - - - - - | 450 |
| | $5,000 |

These sums laid out on alterations, judiciously located, would clear out and make portions of road whose surface would be as broad, and more free from inequalities than the corresponding portions of the road as at present located, and which would admit of farther improvement whenever the travel shall become great enough to warrant an increase of expenditure. No one portion of the road could be more difficult to pass than other portions generally; yet the whole road cannot be made *good* by so small an expenditure. The bridge over the Little South Fork will require to be built entirely of timber, the width of the stream being about 70 feet.

In order to make a good road throughout the whole distance, having a graded surface of 30 feet, with inclinations under 3 degrees at ordinary points, and four or five in ascending and descending the hills, would cost, including culverts, drains, &c. and excluding bridges, about $1,800 per mile; and supposing the distance to be reduced to 80 miles, the total cost of

| | |
|---|---|
| grading would be, - - - - - - - - - | $144,000 |
| Eistimated cost of bridge over Green river, - - - - | 15,600 |
| Do. do. Russell's creek, - - - | 4,000 |
| Do. do. Little South Fork, - - - | 3,500 |
| Do. do. Big South Fork, - - - | 10,000 |
| Total cost of road, including Bridges, - - - - - | $176,500 |
| To which add, for Engineering and contingencies, - - - | 17,500 |
| Total estimated cost of road, - - - - - - - | $194,000 |

If a survey should be directed to be made, together with an estimate of the cost, based thereon, a different result may be obtained, possessing more accuracy than could be expected from an examination alone. The proper points at which to make alterations, together with the cost corresponding to such alterations, would also be more correctly established by a survey.

This road is travelled by persons trading to Louisville, from Green, Adair, Russell, Cumberland and Clinton counties of this State, and from some of the border counties in Tennessee. All the merchandize sold in the counties above named, is hauled over portions of it; but that which is sold in Monticello, Wayne county, is brought by turnpike to Stanford or the Crab Orchard, and thence through Somerset—the increase of distance being about 20 miles, and the increased cost, per wagon load, about $20.

All the iron used in Wayne county and Russell county, is brought from the vicinity of Jacksboro', by a circuitous route, on account of the difficulties met with on the direct route. It is said that a turnpike road has been constructed between Knoxville and Jacksboro', and a good road from the latter place to within 16 miles of the line, and that it is intended to continue it to the line, so soon as the improvement shall be made within this State.

No stock seems to be driven on this road, except for about five miles between Columbia and Jamestown, in the direction of Creelsburg, altho' the road as it is, appears sufficiently good for stock driving.

There are in Greensburg, 6 stores; from 2000 to 2500 hhds of tobacco are raised annually in Green county; 6000 hogs were driven to the South from this county during the past season

There are in Columbia, 7 stores, selling annually, together with a few in the county, about $150,000 worth of mercnandize. Adair county produces annually, from 1200 to 1500 hhds of tobacco.

There are four stores in Jamestown, selling from 50 to $60,000 worth of merchandize, annually, together with some few tons of iron, which are brought from Tennessee.

There are seven stores in Monticello, which are said to sell from 150 to $200,000 worth of merchandize, and about 30 tons of iron, from Tennessee. From 70 to 80 wagon loads of merchandize are brought annually to Monti-

cello from Louisville, by Stanford or the Crab Orchard, at a cost ranging between $2 and 2 50 per 100 lbs.

It is stated that if this road should be improved the supplies for Jacksboro' Tennessee, would be brought from Louisville instead of Nashville; the distance being apparently almost equal; and the return wagons would bring iron and castings from the works in Tennessee.

Salt, either from Fishing creek, or from the works on the Big South Fork of Cumberland, if they should again be put in operation, would become an article of transportation into Tennessee.

On the present road between Monticello and the line, a full load for six horses is said to be only 2000 lbs.; and between Jamestown and Greensburg, about 3000 lbs. The cost of transportation from Louisville to the latter places, varies between 35 and 40 cents per ton per mile.

All of which is respectfully submitted.

ANTES SNYDER.

To SYLVESTER WELCH, Esq.,
*Chief Engineer of Kentucky.*

*Ordered*, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Browder, from the committee on Religion, to whom was referred the petitions of Elizabeth Miller, Thomas G. Loyd, Daniel G. Orr; each praying for a divorce—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected.

Which was concurred in.

Mr. Rodes, from the same committee, to whom was referred the petitions of Joshua Holtzclaw, of Thomas Carrico, and of Samuel and Betsey Percifull; each praying for a divorce—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected—which was concurred in.

On motion of Mr. Apperson—Leave was given to bring in a bill for the benefit of the Sheriff of Montgomery county.

*Ordered*, That the committee on Ways and Means prepare and bring in the same.

Mr. Browder, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the divorce of Sarah Jane Phelps—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Buford—Leave was given to withdraw the petition of Richard Lucas, and it was withdrawn.

Mr. Browder, from the committee on Religion, to whom was referred the

petition of Nancy T. Sanders, praying to be divorced from her husband—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. Isaac Smith moved to amend said resolution, by striking out the words "be rejected," and insert in lieu thereof, the words "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

*Ordered*, That the committee report a bill in pursuance of said petition.

Mr. Rodes, from the same committee, to whom was referred the petition of Wm. Matthews, praying to be divorced from his wife—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. Morehead moved to amend said resolution, by striking out the words "be rejected, and inserting the words "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

*Ordered*, That the committee prepare and bring in a bill in pursuance of said petition.

Mr. Rodes, from the same committee, to whom was referred the petition of Hugh N. Lane, praying for a divorce—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. Trumbo moved to amend said resolution, by striking out the words "be rejected," and inserting the words "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. I. Smith and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Goble, | Morris, |
| Andrews, | Goodson, | Myers, |
| Bailey, | Graham, | Newell, |
| Ballard, | Gray, B. E. | O'Bannon, |
| Basye, | Harris, | Pirtle, |
| Blair, | Heady, | Pope, |
| Bodine, | Hopkins, | Purdy, |
| Bradley, | Hughes, | Reeves, |
| Browder, | Jasper, | Rowan, |
| Buford, | Johnson, | Rowlett, |
| Coleman, | Latimer, | Royston, |
| Coffey, | Lecompte, | Slaughter, |
| Combs, | McBrayer, | Sprigg, |
| Dohoney, | McClure, | Swope, |
| Dorton, | McFall, | Thornburg, |
| Edmonson, | Meriwether, | Trumbo, |
| Ellison, | Mims, | Walker—52. |
| Fox, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Shanklin, |
| Messrs. Anderson, S. H. | Gough, | Smith, I. |
| Apperson, | Gray, N. E. | Smith, L. B. |
| Bradshaw, | Hardy, | Sutton, |
| Brooks, | Howard, | Taggart, |
| Bullock, | McElroy, | Thomas, |
| Buckner, | Morehead, | Todd, |
| Burden, | Newton, | Trimble, |
| Butler, | Redd, | Waddle, |
| Clay, | Riffe, | Wade, |
| Cofer, | Ritter, | White, |
| Field, | Rodes, | Yates—38. |
| Finn, | Rudd, | |

*Ordered*, That said committee prepare and bring in a bill in pursuance to said petition.

Mr. Clay, from the committee on Education, to whom was referred bills from the Senate, of the following titles, viz:

An act to incorporate the Mount Vernon Academy, in Christian county.

An act for the benefit of the Spencer county Seminary.

An act for the benefit of the Lunatic Asylum,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Buford,

*Ordered*, That the committee on Ways and Means be discharged from the further consideration of the petition of Elijah Evans, which was granted, and the said petition withdrawn.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of the Trustees of the town of Georgetown, and the citizens of Dover, in Mason county—reported the same with the following resolution, viz:

*Resolved*, That said petitions are unreasonable—which was concurred in.

Mr. Clay, from the committee on Education, to whom was referred a bill to incorporate the Trustees of the Republican School, in Bracken county—reported the same without amendment.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent lists of revenue tax for 1838,

Reported the same with amendments to each, which were concurred in.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred bills of the following titles, viz:

An act for the benefit of the Sheriff of Green county.

An act for the benefit of Mason W. Sherrell.

An act giving Harris W. Thompson, late Deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred a bill from the Senate, entitled,

An act to repeal the law allowing ferry keepers to keep tavern without license—reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative. And so the said bill was rejected.

Mr. O'Bannon, from the committee on Military Affairs, asked leave to be discharged from the further consideration of a resolution directing them to inquire into the expediency of repealing all laws giving to Adjutants, compensation for their services—which was granted.

Mr. Blair, from the committee on Agriculture and Manufactures, to whom was referred the memorial of the State Agricultural Society, praying the establishment of an Agricultural School; asked leave to be discharged from the further consideration thereof—which was granted.

Mr. Trimble, from the committee on Banks, made the following report:

[*For this Report—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 1000 copies of said

port, and such documents accompanying the same, as said committee should designate.

Mr. Butler moved a reconsideration of the vote ordering the printing of 1000 copies of said report and documents.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dohoney and Heady, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Graham, | O'Bannon, |
| Anderson, A. | Gray, B. E. | Pirtle, |
| Bailey, | Hardy, | Pope, |
| Bodine, | Heady, | Ritter, |
| Bradley, | Howard, | Rowlett, |
| Browder, | Hughes, | Smith, I. |
| Buford, | Jasper, | Smith, L. B. |
| Buckner, | Johnson, | Sprigg, |
| Burden, | Latimer, | Sutton, |
| Butler, | Marshall, | Taggart, |
| Coffey, | McBrayer, | Thornburg, |
| Dohoney, | McClure, | Todd, |
| Dorton, | Mims, | Wade, |
| Ellison, | Myers, | Yates—44. |
| Fox, | Newell, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Riffe, |
| Messrs. Anderson, S. H. | Goble, | Rodes, |
| Andrews, | Goodson, | Rowan, |
| Apperson, | Gough, | Royston, |
| Ballard, | Gray, N. E. | Shanklin, |
| Blair, | Hopkins, | Slaughter, |
| Brooks, | Lecompte, | Swope, |
| Bullock, | McElroy, | Thomas, |
| Coleman, | Meriwether, | Trimble, |
| Cofer, | Morehead, | Trumbo, |
| Combs, | Morris, | Waddle, |
| Edmonson, | Newton, | Walker, |
| Field, | Redd, | White—41. |
| Finn, | Reeves, | |

The question was then taken on printing 500 copies, and decided in the affirmative.

Mr. Coffey, from the select committee to whom was referred a bill from the Senate, entitled, an act to authorize a sale of the Seminary lands of Wayne county—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Hopkins—1. A bill for the benefit of the Clerks of the Henderson, Barren, Simpson and Union Circuit and County Courts.

By the committee on Religion—2. A bill for the divorce of John Bowden.

By same—3. A bill for the divorce of Nancy A. Grant.

By same—4. A bill for the divorce of Lucy Graves.

By same—5. A bill to repeal the law authorizing the County Court of Hardin to sell the Poor House land.

By same—6. A bill for the divorce of Daniel S. Shacklett.

By the committee on Education—7. A bill for the benefit of Andrew Orr and Caroline Orr.

By the committee on Military Affairs—8. A bill for the benefit of Abraham Kightly.

By the same—9. A bill for the benefit of the heirs and representatives of Robert Branham and John Samuel.

By same—10. A bill for the benefit of Wm. P. Neale, and others.

By the committee on the Library—11. A bill providing for the purchase of certain books, for the use of this State.

By the committee on Internal Improvement—12. A bill further to provide for the internal improvement of the State.

By the committee for Courts of Justice—13. A bill for the benefit of the estate of Lewis Fible.

By Mr. Hopkins—14. A bill to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with,

The 1st was referred to the committee on Ways and Means; the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 13th were severally ordered to be engrossed and read a third time, and the 12th and 14th were referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 13th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

## MONDAY, JANUARY 28, 1839.

1. Mr. Pope presented the petition of sundry citizens of Jefferson county, praying a repeal of the act incorporating the Jefferson Pond Draining Company.

2. Mr. Todd presented the petition of Harmon B. Elrod, and others, praying the passage of a law releasing him from the penalties of the laws now in force against the importation of slaves into this State.

3. Mr. Bullock presented the petition of Joshua D. Grant, (with other documents,) praying the passage of a law divorcing him from his wife, Nancy A. Grant.

4. Mr. Jasper presented the petition of of William Sayers, praying the passage of a law permitting him to retail store goods, without the payment of taxes thereon.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 4th to the committee on Propositions and Grievances; the 2d to the committee for Courts of Justice, and the 3d to the committee on Religion.

A message was received from the Senate, announcing that they recede from their amendment to a bill from this House, entitled, an act to establish the town of Rochester.

And that they had passed bills from this House, of the following titles, viz:

An act for the benefit of Matthew Elder.

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county.

With an amendment to the last named bill.

And had passed bills from the Senate of the following titles, viz:

An act to close up the old road over Muldrow's Hill.

An act to amend an act concerning the town of Hardinsburg.

Mr. S. H. Anderson moved the following resolution, viz:

*Resolved*, That the use of the Hall of the House of Representatives be allowed to Dr. Colyer, this evening, at 7 o'clock, for the purpose of delivering a lecture upon Phrenology.

Which being twice read, was adopted.

Mr. Heady moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be requested to inquire into the expediency of making an appropriation of thirteen thousand five hundred dollars, towards improving the Salt River Hill and Pond Run Valley, and other parts of the road leading from Louisville, by way of Jeffersontown and Taylorsville to Harrodsburg.

Which being twice read, was adopted.

Mr. McClure read and laid on the table the following joint resolution, viz:

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That the five thousand dollars heretofore appropriated for the improvement of the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in a direction to Knoxville, be, and the same is hereby, directed to be laid out and expended upon said road, during the year 1839, agreeably to the plan laid down in the report of Mr. Snyder, one of the Engineers, lately made to the Legislature.

*Resolved further*, That the Board of Internal Improvement are hereby directed to send an Engineer to locate and survey said road, on the nearest and most suitable ground, in the early part of next summer, with a view to its improvement during the next season.

On motion of Mr. Edmonson—Leave was given to bring in a bill to declare Nolin river navigable, as far up as Combs' mill, on said river.

*Ordered*, That Messrs. Edmonson, Cofer, Combs and Haggard, prepare and bring in the same.

Mr. Swope, from the committee on Privileges and Elections, made the following report, viz:

The committee of Privileges and Elections, to whom was referred the returns of the Sheriffs of this Commonwealth, of the names of those who voted for a Convention, to revise the Constitution of this State, have had the same under consideration, and beg leave to report—that, in pursuance of the act entitled, an act to take the sense of the good people of this Commonwealth, as to the expediency and propriety of calling a Convention to revise the Constitution of this State, approved December 21, 1837—polls were opened in all the counties of the State, and the following is the result in each county, as appears from the returns made to the Secretary of State, of the votes given for a Convention:

| Counties. | No. Votes | Counties. | No. Votes |
|---|---|---|---|
| Adair, | 337 | Clay, | 329 |
| Anderson, | 155 | Casey, | 159 |
| Allen, | 166 | Christian, | 409 |
| Butler, | 126 | Cumberland, | 306 |
| Bourbon, | 178 | Clark, | 144 |
| Boone, | 387 | Carter, | 148 |
| Bath, | 622 | Clinton, | 471 |
| Breckinridge, | 108 | Calloway, | 791 |
| Barren, | 658 | Davis, | 175 |
| Bracken, | 213 | Estill, | 304 |
| Bullitt, | 38 | Edmonson, | 75 |
| Carroll, | 236 | Franklin, | 34 |
| Campbell, | 893 | Fayette, | 35 |
| Caldwell, | 871 | Fleming, | 933 |

| Counties. | No. Votes | Counties. | No. Votes |
|---|---|---|---|
| Garrard, | 181 | Marion, | 108 |
| Gallatin, | 244 | Mercer, | 566 |
| Grayson, | 65 | Morgan, | 365 |
| Green, | 192 | Montgomery, | 231 |
| Graves, | 694 | Nicholas, | 449 |
| Greenup, | 95 | Nelson, | 43 |
| Grant, | 179 | Ohio, | 140 |
| Hardin, | 154 | Owen, | 146 |
| Hart, | 326 | Oldham, | 238 |
| Hancock, | 113 | Pulaski, | 1121 |
| Henderson, | 140 | Pendleton, | 171 |
| Hopkins, | 790 | Pike, | 311 |
| Henry, | 670 | Perry, | 410 |
| Hickman, | 889 | Russell, | 290 |
| Harrison, | 362 | Rockcastle, | 136 |
| Harlan, | 238 | Simpson, | 443 |
| Jefferson, | 381 | Shelby, | 203 |
| Jessamine, | 373 | Spencer, | 73 |
| Knox, | 429 | Scott, | 49 |
| Lincoln, | 165 | Trigg, | 434 |
| Lawrence, | 484 | Todd, | 171 |
| Laurel, | 157 | Union, | 563 |
| Lewis, | 527 | Wayne, | 573 |
| Logan, | 179 | Woodford, | 96 |
| Monroe, | 488 | Warren, | 390 |
| Muhlenburg, | 106 | Washington, | 138 |
| Madison, | 627 | Whitley, | 335 |
| McCrackin, | 167 | Livingston, | 182 |
| Mason, | 197 | Floyd, | 616 |
| Meade, | 279 | | |
| Total number of votes for a Convention in this State, | | | 28,175 |

The committee have also examined the Assessors' books for the year 1838, in order to ascertain the number of voters in each county in the State; so that the vote for and against the Convention could be given. The number of voters in each county is as follows:

| Counties. | Voters. | Counties. | Voters. |
|---|---|---|---|
| Adair, | 1242 | Barren, | 2310 |
| Allen, | 1123 | Breckinridge, | 1248 |
| Anderson, | 809 | Boone, | 1368 |
| Bracken, | 1103 | Butler, | 462 |
| Bullitt, | 932 | Bath, | 1386 |
| Bourbon, | 1707 | Campbell, | 1698 |

| Counties. | Voters. | Counties. | Voters. |
|---|---|---|---|
| Caldwell, | 1318 | Lawrence, | 830 |
| Christian, | 1680 | Livingston, | 1157 |
| Clark, | 1442 | Logan, | 1556 |
| Clay, | 695 | Muhlenburg, | 1063 |
| Cumberland, | 862 | Madison, | 2092 |
| Calloway, | 1381 | Montgomery, | 1114 |
| Clinton, | 614 | Mercer, | 2281 |
| Carroll,* | | Morgan, | 661 |
| Carter, | 469 | Mason, | 2331 |
| Daviess, | 1123 | Monroe, | 909 |
| Edmonson, | 517 | Meade, | 668 |
| Estill, | 975 | McCrackin, | 609 |
| Franklin, | 1175 | Marion, | 1361 |
| Fayette, | 2342 | Nicholas, | 1290 |
| Floyd, | 896 | Nelson, | 1792 |
| Fleming, | 2125 | Ohio, | 949 |
| Gallatin, | 988 | Owen, | 1149 |
| Greenup, | 1369 | Oldham, | 955 |
| Green, | 1952 | Pulaski, | 1749 |
| Grant, | 655 | Perry, | 674 |
| Graves, | 963 | Pendleton, | 713 |
| Grayson, | 752 | Pike, | 510 |
| Garrard, | 1501 | Rockcastle, | 650 |
| Henry, | 1528 | Russell, | 676 |
| Hart, | 950 | Simpson, | 845 |
| Harlan, | 448 | Shelby, | 2198 |
| Henderson, | 983 | Scott, | 1895 |
| Hopkins, | 1207 | Spencer, | 923 |
| Hickman, | 1502 | Todd, | 1056 |
| Harrison, | 1715 | Trigg, | 995 |
| Hardin, | 2260 | Trimble, | 858 |
| Hancock, | 369 | Union, | 875 |
| Jefferson, | 4400 | Wayne, | 1140 |
| Jessamine, | 1148 | Woodford, | 1180 |
| Knox, | 716 | Warren, | 920 |
| Lewis, | 930 | Whitley, | 709 |
| Lincoln, | 1243 | Washington, | 1376 |
| Laurel, | 521 | | |

Total number of voters in this State, exclusive of Carroll county, 104,622
From which deduct the vote for a Convention, - - 28,175

And it will leave a constitutional majority of - - - 48,272
against the call of a Convention to revise the Constitution of this State.

All of which is respectfully submitted.

* The Commissioners Books from Carroll county have not been returned to the Auditor; so that the committee were unable to ascertain the number of voters in that county.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act to amend an act, entitled, an act establishing the town of Ghent, in Gallatin county.

An act to authorize certain land warrants to be surveyed in the county of Clinton.

An act to establish the town of Pleasant Hill, in Calloway county.

An act for the benefit of the Sheriffs of Christian, Wayne and Pulaski counties

An act to allow additional Constables to the counties of Spencer and Calloway.

An act to allow an additional Justice of the Peace to the county of Clay.

An act to allow an additional Constable in the county of Logan.

An act for the benefit of the heirs and representatives of Eliza Murray, dec'd.

An act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act for the benefit of Willie Sugg.

An act abolishing an election precinct in Casey county.

An act to establish an election precinct in the county of Allen.

An act for the benefit of the Sheriff of Muhlenburg county.

An act for the benefit of the Sheriff of Clay county.

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Sheriff of Calloway county.

An act to incorporate the Town of Francisburg, in the county of Union.

An act allowing further time to enter and survey Kentucky land warrants, and to return plats and certificates of survey.

An act for the benefit of Mary Kimes.

An act for the benefit of Henry G. A. Blankman.

An act for the benefit of Keziah Craycraft.

An act for the benefit of Henry Clay, Jr.

An act for the benefit of John Cobb, Hezekiah Willis, Perry Watters and Shepherd Burch.

An act to change the name of James Jamison and George Rook.

A resolution giving the members of the Board of Internal Improvement the use of the books in the Public Library.

Approved Jan. 17, 1839.

An act for the benefit of George O. Stovall.

An act for the benefit of John W. Flora.

An act concerning the Meade Circuit Court.

An act authorizing the appointment of a County Treasurer for Pendleton county.

An act supplementary to an act approved 12th February, 1838, for the benefit of Isaac Young.

An act to amend an act to establish a ferry across the Ohio river, at Paducah.

An act for the benefit of the citizens of Springfield.

An act authorizing Thomas Bratcher to build a mill dam across Caney creek.

An act to authorize the Trustees of Paris to sell a certain lot and street therein.

An act for the benefit of Joseph R. Perkins, and Mary P., his wife.

An act to reduce the bounds of the town of Brownsborough.

An act to authorize the Trustees of the town of Bedford to reduce the width of a certain street therein, and to sell the part so stricken off.

An act to authorize the citizens of Louisville to raise and organize a military corps, to be styled the "Louisville Legion."

An act for the benefit of the Sheriffs of Franklin and Woodford counties.

An act for the benefit of the Trustees of the Jury Fund in this Commonwealth, and for other purposes.

An act to preserve the original manuscript of the annual messages of the Governors of this State.

An act for the benefit of Thomas J. Paris.

Approved Jan. 21, 1839.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill to provide for a change of venue on the case of the prosecution against Joseph McMillan.

By the committee on Propositions and Grievances—2. A bill to establish the county of Breathitt.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, said bills (the 2d being amended at the Clerk's table,) were ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d bill having been dispensed with, it was referred to Messrs. Harris, Thornburg, Morris and Buford.

The House then, on the motion of Mr. McClung, resumed the consideration of the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; after some discussion had thereon,

And then the House adjourned.

## TUESDAY, JANUARY 29, 1839.

A message was received from the Senate, announcing that they had concurred in the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent lists of revenue tax for 1838.

And had passed bills from this House, of the following titles, viz:

An act for the benefit of the Madison Troop of Cavalry.

An act for the benefit of Elisha C. Hampton.

An act for the benefit of Charles S. Gatewood, and others.

An act to allow an additional Justice of the Peace for Nelson county.

An act to extend the Constable's district in the town of Salvisa, in the county of Mercer.

An act to change the place of voting, from the house of Henry Haynie, in Lawrence county, to that of John Rous, in said county, and to abolish an election precinct in Hardin county.

With amendments to the last bill.

And the passage of bills from the Senate, of the following titles, viz:

An act to amend the law concerning the action of trespass.

An act to change the time of holding certain Circuit Courts.

And had received official information that the Governor had approved and signed sundry enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of the Sheriff of Lawrence county.

An act providing that certain legacies and devises shall not lapse.

An act to continue in force, an act to allow the Independent Banks of this Commonwealth further time to collect and settle their concerns—approved January 4, 1836, and for other purposes.

An act for the benefit of the Sheriffs of Owen and Butler counties.

An act for the benefit of Matthew Read, and the infant children of Sam'l M. Smith, dec'd. Approved, Jan. 17, 1839.

An act authorizing the mandate of the Court of Appeals to be filed with the Clerk of the inferior Court, and executions to issue in certain cases.

An act authorizing the city of Lexington to levy an additional tax for the better organization and efficiency of the fire companies.

An act for the benefit of Samuel Ingram, late Sheriff of Marion county.

An act to amend an act, entitled, an act for the benefit of Wm. Butler, Clerk of the Monroe County Court, approved 5th Jan. 1839.

Approved, Jan. 21, 1839.

An act for the benefit of Ferdinand Hunn.

An act for the benefit of Sarah Ann Brown.

An act to allow an additional Justice of the Peace to Barren county.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act to make an addition to the town of Rochester, in Butler county.

An act for the benefit of the heirs of John T. Langhorne.

An act to amend the charter of the Shepherdsville and Louisville Turnpike Company.

An act to authorize the Clerk of Trigg county to record certain deeds.

An act legalizing the appointment and acts of the Clerk pro tem. of the Gallatin Circuit Court.

An act for the benefit of Robert and Jane Middleton.

An act to incorporate the Franklin Mining and Smelting Company.

An act to change the time of holding the Carter and Pike County Courts.

An act to amend the charter of the city of Louisville.

An act for the benefit of the heirs of John C. Self.

An act to legalize the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia.

An act releasing James Squires from all liability upon his bond, executed to the Quarter Master General, for arms, in the year 1833.

An act for the benefit of Harman Hurst.

An act to authorize the Register of the Land Office to register certain plats and certificates of survey made in Warren county, in 1838.

An act for the benefit of Joseph Allen.

An act for the benefit of the Sheriff of Adair county.

An act giving officers, and crews, and mechanics, and others, a lien on steamboats.

Approved, Jan. 28, 1839.

Mr. Coffey asked leave to withdraw the memorial of the citizens of Monticello, in relation to the Southern Bank and the Rail Road Bank; which was granted, and the same withdrawn.

1. Mr. White presented the petition of James Helton, praying to be divorced from his wife, Hannah Helton.

2. Mr. Reeves presented the petition of sundry citizens of Todd county, praying for the appointment of Trustees to Lebanon Academy.

3. Mr. Rodes presented the petition of sundry citizens of Fayette county, praying an amendment of the laws in relation to Patrollers.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Religion; the 2d to the committee on Education, and the 3d to Messrs. Rodes, Trimble, Clay and Sutton.

Mr. White moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of so amending the penal laws, as more effectually to punish any person or persons who shall be convicted of telling a malicious and mischievous lie.

Which being twice read, was concurred in.

Mr. A. Anderson moved the following resolution, viz:

*Resolved*, That the committee on Military Affairs be instructed to take into consideration a communication from his Excellency the Governor, together with the accompanying communications from the Quarter Master General, respecting the arms and accoutrements belonging to this Commonwealth, and report accordingly to this House.

Which being twice read, was adopted.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of the estate of Guthrie Morris.

An act providing for a change of venue from the Greenup Circuit Court to Morgan Circuit Court, in the case of John C. Ball, and others.

Reported the same with amendments to each, which were concurred in.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Harris, from the select committee to whom was referred a bill to establish the county of Breathitt—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be re-engrossed and again read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being re-engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Goodson, from the select committee to whom was referred a bill to incorporate the Covington Factory Company—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

Mr. Wintersmith moved to amend said bill by way of engrossed ryder.

And it was decided in the affirmative.

On motion of Mr. Goodson,

*Ordered*, That said bill and amendment be laid on the table for the present.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Todd—1. A bill to regulate Circuit Courts in the Sixth Judicial District.

On the motion of Mr. L. B. Smith—2. A bill to change the terms of the Fayette Circuit Court.

*Ordered*, That Messrs. Todd, Browder, Reeves and Sutton prepare and bring in the 1st, and Messrs. L. B. Smith, Rodes and Clay the 2d.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By Mr. Dohoney—1. A bill to change the location of the seat of government of this Commonwealth.

By Mr. O'Bannon—2. A bill to incorporate the Town of Port Royal.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was referred to the committee on Ways and Means, and the 2d was ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The House then resumed the consideration of the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions.

The amendments proposed by the committee of the whole to said bill, were then twice read and adopted.

The said bill being further amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Railroad Company incorporated by the States of North Carolina, South Carolina and Temessee, by the name of the Cincinnati and Charleston Railroad Company, and in the State of Kentucky by the name of the Louisville, Cincinnati and Charleston Railroad Company, shall be called and known as a body corporate in all the States aforesaid, by the name of the Louisville, Cincinnati and Charleston Railroad Company; and that the corporators in said railroad company shall form a separate body corporate, in deed and in law, for banking purposes in each of the States of North Carolina, South Carolina, Tennessee and Kentucky, as shall assent thereto, and be called and known by the name of the Southwestern Railroad Bank, provided that the assent of not less than three of the aforesaid States shall be given thereto, before the Bank shall have corporate existence.

SEC. 2. The said Banking Company shall be formed in the following manner, and be vested with the following powers, and be subject to the following restrictions; that is to say: Each of the present stockholders, and every person who may hereafter become a stockholder in the Railroad Company,

until the capital shall be increased to twelve millions of dollars; or in the said Bank, under the laws of either of the States of Kentucky, Tennessee, North Carolina or South Carolina, shall be entitled, for every share in the Railroad Company, of one hundred dollars, to take or hold one share in the Bank, of fifty dollars; so that the capital of said Bank may, in the first instance, amount to the sum of six millions of dollars. The directors of the said Railroad Company shall cause books to be opened to the community at large, in the State of Kentucky, at all places where books were opened for the first subscription of stock in said Railroad Company, and such other places as the said directors may designate, by such commissioners as the directors may appoint, from ten o'clock in the morning to two o'clock in the afternoon of each day, for a period not less than thirty days, except Sundays, for the purpose of increasing the stock of said Railroad Company to twelve millions of dollars, and of receiving subscriptions to the said Bank; and all persons who shall, at the time of subscribing, pay in specie, or the notes of specie paying banks, all such instalments as shall theretofore have been called in by the Railroad Company, together with the first instalment of twelve dollars and fifty cents for the Bank, shall, together with such stockholders as have or may become corporators under the laws of either of the States aforesaid, be a body corporate in the State of Kentucky, by the name of the Southwestern Railroad Bank. If, on closing the books, the subscriptions shall have increased the Rank capital beyond the amount prescribed by the charters of either of the said States, the subscriptions hereby directed shall be reduced ratably and in proportion to their respective amounts. And in case the subscriptions shall not reach the sum allowed by the said charters, books may be opened for subscription at any other time and place, by the directors of the Bank, provided that new stockholders shall only be admitted, by paying the same amounts, and incurring, in every respect, the same liabilities as at the time of their admission, have been paid and incurred, both to the Bank and Railroad Company, by the original stockholders. And in all cases, the amounts subscribed and paid for the Bank, shall be paid to the Bank corporation; and the amounts subscribed and paid for the Railroad, shall be paid to the Railroad Company.

SEC. 3. The president and directors already elected by the stockholders in the Bank, shall serve for one year from their election; and annually thereafter, on such day as shall be fixed by the Bank corporation, there shall be an election of thirteen directors of the Bank; and those who are elected by plurality of votes, shall be capable of serving as such only, for one year, but shall be re-eligible. In case of death, resignation, or removal from office by the stockholders, of a director, his place may be filled by the other directors for the remainder of the year. In all meetings of stockholders of the Bank, votes may be given in person or by proxy, on the same terms and according to the same scale as is prescribed for voting in person or by proxy in meetings of the railroad company, except that no person shall act as proxy in the Bank, unless he be a stockholder therein.

SEC. 4. At the first meeting of the stockholders, and annually thereafter, on such day as shall be fixed by the Bank corporation, there shall be an election of thirteen directors of the Bank; and those who are elected by plurality of votes shall be capable of serving as such only for one year, but shall be re-eligible. In case of death or resignation, or removal from office, by the stockholders, of a director, his place may be filled by the other directors for the remainder of the year.

SEC. 5. But should the day of annual election pass without any election of directors, the Bank shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by a by-law of the bank corporation.

SEC. 6. The directors of the Bank shall be resident citizens of the United States, and stockholders of the Bank, and, at the first meeting after their election, they shall appoint one of their number to be president of the said Bank; they shall appoint all the officers of the Bank, and the president, directors and cashiers of its branches, all of whom they may remove at pleasure; and may also, at pleasure, remove all the officers of the branches which shall have been appointed by the president and directors of such branches: Provided, however, that the president and directors so appointed, of the branch of the said Railroad Bank in this State, shall be stockholders in said Bank, and resident citizens of this State. No director, or partner of a director of another Bank, shall be a director of this Bank, or in any of its branches; nor shall any person act as a director, who may be under protest in said Bank, as a drawer or endorser of any note, or bill of exchange, held by said Bank, either for discount or collection, unless he shall prove to the satisfaction of a majority of the directors, that he has just and sufficient cause for refusing payment on the demand on which said protest may be found.

SEC. 7. The president and directors of the Bank may call for a second instalment of twelve dollars and fifty cents upon the capital of the Bank, as soon as they may deem proper, upon giving one month's notice thereof, by publication, in at least two newspapers in each of the States assenting thereto; the subsequent instalments, they may call for in such sums as they may deem necessary, provided that similar notice be given, and the payments at least sixty days apart; and provided also, that no calls for any instalment, subsequent to the two first, shall be made until an amount equal to such call shall have been previously called in by the railroad company, and shall have actually been expended in constructing the railroad, or shall be necessary to meet contracts actually made on account of the same. When the instalments paid in for the capital of the said Bank shall amount to six millions of dollars, the capital shall not be further increased, until six millions of dollars shall have been actually called in, and expended upon the railroad; after which, the capital of the Bank shall be increased only by calling for instalments, equal in amount to those which may be called for by the railroad company, until the said capital shall reach the limit of twelve millions of dollars: provided, the capital of the Bank shall not exceed six millions, until the railroad shall have been extended to the State of Tennessee, and that it shall not exceed nine millions, until it shall be extended to the southern boundary of Kentucky, and that it shall not be increased to twelve millions until it shall be expended to Lexington, in Kentucky: provided also, that any share in the Bank, on which any instalment shall not be paid when called for, shall, with all the payments made thereon, be forfeited to the Bank; but such defaults shall not induce a forfeiture to the corresponding railroad shares.

SEC. 8. The Board of Directors of the Railroad, and of the Bank, shall, also, be distinct and separate bodies; and the capital of the Railroad and of the Bank, shall, also, be kept distinct and separate. The Bank shall never be liable for the debts of the railroad company, but the railroad company shall be liable for the debts of the Bank, in case of failure, except that shares

in the railroad which have no corresponding shares in the Bank shall not be liable to the debts of the Bank.

SEC. 9. The president and directors of the Bank shall make up, annually, a full statement of the affairs thereof, as they may stand on the first day of October; and also, of the affairs of each of the branches on that day, as rendered to them by the president and directors of such branch, and shall send one copy thereof, certified by the president and cashier, to each of the Governors of the said States, to be laid before their respective Legislatures.

SEC. 10. The mother or principal Bank shall be located at Charleston; and the said Bank may establish branches, or have agencies thereof in any State, with the consent of the Legislature thereof. And it is hereby declared, that the said Bank shall not have corporate existence, unless two of the States of North Carolina, Tennessee and Kentucky, shall consent to the establishment of branches therein.

SEC. 11. The Bank shall never issue any note, or draw a check which is payable to order or bearer, of a less denomination than five dollars, until the road is completed, nor less than ten dollars, after the completion of the said road; nor shall it ever put in circulation, notes payable to order or bearer, to an amount exceeding double its capital; and in case it shall not redeem its notes in current coin of the United States, when demanded at the Bank or branch where such notes are payable, such notes shall thenceforth bear interest at the rate of twelve per cent. per annum; and for such failure or refusal, by the branch located in Kentucky, to redeem their notes and other liabilities in gold or silver coin, when demanded, the General Assembly may order a *scire facias* to be sued out from the General Court, and a judgment of a forfeiture of the charter granted by this State, declared.

SEC. 12. Neither the Bank or its branches shall lend money on the pledge of its own or the stock of the railroad, until three fourths of the capital of the railroad company shall have been paid in, and then only to one half of the said stock; and the Bank shall never permit the railroad company to overdraw.

SEC. 13. Each branch of the said Bank shall be an office of discount and deposit; it shall have a Board, to consist of a president and not less than six directors, with a cashier, and such other officers as the business of the branch may require. The Board shall conform to all orders it may receive from the president and directors of the Bank, and shall possess such powers as the said president may confer on them, consistently with this charter.

SEC. 14. And the said corporation, by its name and style aforesaid, shall be and is hereby made capable, in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, as natural persons, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and to sell, convey and dispose of all such real estate, goods, effects and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to said Bank as security for any debt, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment in favor of the Bank, or in the purchase of any property on which the said Bank may have a lien: also, to have and use a common seal, and the same to break, alter and renew, at pleasure; to discount promissory notes at a rate of interest not exceeding one per cent. for sixty days; to deal in exchange, and gold and silver bullion, and to discount bills of exchange; and said Bank shall not directly or indirectly deal or trade in any thing, except loaning money at the

rate of interest aforesaid, and in exchange, and in gold and silver bullion, or in the sale of goods, chattels, rights and credits, really and truly pledged for money lent, and not redeemed in time, or goods the proceeds of its lands; and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of the said States, or of the United States, or to the constitutions thereof, and generally to do and execute all and singular, such acts, matters and things, as may be deemed necessary and proper for the good government and management of said corporation, and subject, nevertheless, to such regulations, restrictions, limitations and provisions, as are hereby prescribed and declared.

SEC. 15. That the total amount of debts which the said corporation shall at any time owe, shall not exceed twice the amount of its capital stock paid in, exclusive of the amount of money then actually deposited in the Bank for safe keeping; and in case of excess, the directors, under whose administration such excess shall happen, shall be liable for the same in their private and individual capacities, and an action may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court having competent jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said railroad company, or the said Bank, or the lands, tenements, goods or chattels of the same, from being also liable for said excess; and such of the said directors as may have been absent when such excess was contracted or enacted, or such as may have dissented from the resolution or act whereby the same was contracted or enacted, may, respectively, exonerate themselves from being thus liable, by forthwith giving notice of the act, and of their absence or their dissent, to the stockholders, at a general meeting to be called for that purpose.

SEC. 16. That dividends shall be made, at least twice in every year, by the said corporation, of so much of the profits of said Bank as shall appear to the directors advisable; and once in every year the directors shall lay before the stockholders, at a general meeting, for their information, the amount of surplus profits, if any, after deducting losses and dividends.

SEC. 17. That no officer of said Bank, other than a director, not being present, shall be permitted, either directly or indirectly, to carry on the business of trade of merchandize, factorage, brokerage, vendue, or the exchange of money or bills for profit; and every such officer, so trading, shall be removed from office by the directors, and shall not be re-eligible to any office in said Bank or its branches. That no director, or other officer of the said Bank, shall, directly or indirectly, receive any compensation for any agency, for negotiating any business with the Bank or its branches, in procuring discounts, renewing notes, or receiving moneys for individuals, or notes discounted; and any such director, or other officer, thus receiving compensation, shall be removed from office, and disqualified from thereafter holding any office in said Bank or its branches.

SEC. 18. That a meeting of the stockholders may be called, at any time, by the president and directors, and a majority of them, or by any director who may protest against the proceedings of the board, or who may wish the propriety of his dissent to be considered by the stockholders, or whenever the holders of ten thousand shares, or upwards, shall require the same: pro-

vided, that no such meeting of the stockholders shall be competent to transact business, unless one month's notice thereof be given, in at least two public gazettes in each of the said States, and unless a majority of the stock in the said Bank be represented. That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as may be requisite for its immediate accommodation, for the transaction of business, and such as shall have been bona fide mortgaged or assigned to it by way of security or payment for debts, previously contracted in the course of its dealings, and such as shall have been purchased at sales upon judgments previously obtained.

SEC. 19. Each share in the Bank shall be inseparably connected with a share in the railroad company, and shall never be transferred without it; and the forfeiture of a share in the railroad company, for the non-payment of any instalment called for thereon, shall induce a forfeiture to the Bank corporation of the corresponding share. Railroad stock shall be assignable and transferable, according to such regulations and upon such terms as may be prescribed and fixed by the said Bank corporation, or the directors thereof.

SEC. 20. The bills or notes which may be issued by order of the said Bank corporation, signed by the president and countersigned by the principal cashier, as treasurer thereof, promising the payment of money, to any person or persons, his, her, or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the said corporation, in like manner, and with like force and effect as upon any private person or persons, issued by him, her, or them, in his, her, or their private capacity, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say, those which shall be payable to any person or persons, his, her, or their order, snall be assigned by endorsement, in like manner and with like effect, as foreign bills of exchange now are, and those which are payable to any person or persons, or bearer, shall be negotiable or assignable by delivery only.

SEC. 21. Notes of twenty dollars and under, may be signed by the president and cashier of the branches where they are payable, and shall have the same effect as they would have if signed by the president and cashier of the principal Bank.

SEC. 22. That no less than five directors in the principal Bank, or four in a branch, shall constitute a board for the transaction of business, of whom the president shall always be one, except in the case of sickness or necessary absence, when his place may be supplied by any other director, whom he, by writing, shall nominate for the purpose; and in default of such nomination by the president, or in case of sickness or necessary absence of the person so nominated, the board of directors may, by ballot, appoint a temporary president.

SEC. 23. The directors for the time being shall have power to appoint such officers, clerks and servants under them, as shall be necessary for executing the business of said corporation, in such manner and upon such terms as they shall deem necessary and proper; and shall also have power to remove said officers, from time to time, at their will and pleasure; and shall be capable of exercising such other powers and authorities for the well government and ordering of the affairs of the said corporation as shall be prescribed, fixed and determined, by the laws and regulations thereof.

SEC. 24. That the president, cashier and clerks, in keeping the books of

the said Bank, shall be and they are hereby declared to be exempted from the performance of ordinary military duty, and from serving as jurors.

SEC. 25. The State of Kentucky reserves to herself, without limitation, the full power of taxation over so much of the capitol of said Bank, as may be at any time employed in the branch in said State; and the real estate of said Bank, and its goods pledged for money lent, and its goods the produce of its lands, may be taxed at the same rate as similar real estate and goods are taxed in the State where the same may be situated: provided, that if the State of Kentucky shall at any time impose a tax greater than that imposed upon the banking institutions of this State, the principal Bank shall have the power to withdraw said branch.

SEC. 26. That any real estate, bills, notes, moneys, profits, or other property whatever, which may, on the dissolution of said bank corporation, be owned or possessed by it, shall be held by the directors of said Bank, for the use and benefit of all persons holding shares in said corporation, at the time of its dissolution, and their legal assignees and representatives, in average and proportion to the number or amount of said shares.

SEC. 27. In case the railroad company shall finish the road with a double track from Charleston, or the railroad of the South Carolina canal and railroad company, to the Ohio river, or shall unite it in the State of Kentucky with some other railroad which may connect it with the Ohio river, within ten years from the first day of January, 1837, or in case the said Louisville, Cincinnati and Charleston Railroad Company shall, within the same period, actually expend on the road the sum of twelve millions of dollars, then the said Bank shall have corporate existence for twenty one years after the expiration of said ten years; otherwise, it shall cease to have corporate existence after the expiration of the said ten years: provided, however, that if, at the end of twelve years, from the first day of January, 1839, the company shall not have expended two millions of dollars on the road in the State of Kentucky, should that amount be required to finish it in the State, then the Legislature shall have full power to repeal the bank charter, so far as Kentucky is concerned.

SEC. 28. It is hereby declared, that in case the railroad company shall not, within five years from the first day of January, 1837, have called in and expended, or made contracts to the amount of three millions of dollars, for the construction of the road, the grant of banking privileges hereby conferred shall cease and be revoked; in case the construction of the railroad shall be suspended, after the Bank goes into operation, for one year, before the final completion of the road, then this charter shall be taken and deemed as null and void; but the Bank shall, in this contingency, be allowed two years for winding up their concerns, without the privilege of doing new business.

SEC. 29. The said Bank shall establish a branch in this State for the transaction of its business, pursuant to the provisions herein before contained, with a capital at its commencement of not less than one hundred thousand dollars, to be increased from time to time, at the discretion of the directors, until it reaches one million of dollars; but not to exceed that amount.

SEC. 30. That it shall be lawful for the General Assembly, whenever it shall have reason to believe that the charter hereby granted has been violated, to order a *scire facias*, to be sued out from the Circuit Court of the county in which the branch bank hereby authorized, shall be located, in the name of the State of Kentucky, which shall be executed upon the president,

or any two of the directors, or upon the cashier of said branch bank, for the time being, at least ten days before the commencement of the term for said court, calling on said corporation to show cause wherefore their charter, hereby granted, shall not be declared void; and it shall be lawful of the said court, upon the return of said *scire facias*, unless good cause be offered for a continuance, to examine into the truth of the alleged violation; and if such violation shall be made to appear, then to pronounce and adjudge that the said charter is forfeited—annulled: provided, however, every issue of fact, which may be joined between the State of Kentucky and the corporation aforesaid, shall be tried by jury; and it shall be lawful for the court aforesaid, to require the production of such of the books of the corporation, as it may be deemed necessary for the ascertainment of the controverted facts; and it may be lawful for such person as may appear for the State, or for the corporation, being dissatisfied with such final judgment as may be had in said court, to appeal to the Supreme Court of the State: provided, however, that in all cases where the charter of said Bank shall be adjudged to be forfeited, and the corporation dissolved, such dissolution or forfeiture being declared, shall not extinguish the debts due to or from said corporation; but the court rendering such final judgment, shall proceed to appoint a receiver or receivers, who shall have full power to collect in his or their own names, all the debts due to said corporation, to take possession of all its property, to sell, and dispose, and distribute the same, in order to pay off the creditors of said corporation, and afterwards to reimburse the stockholders thereof, under such rules, regulations, provisions and restrictions, as the court rendering such judgment shall direct.

SEC. 31. That no judgment, sentence or decree, which may be pronounced, declaring the said charter forfeited and annulled, shall be so construed as to exempt the said corporation, or any of its effects, from the redemption of all debts and demands which may be against it at the time of pronouncing such final judgment, sentence or decree, or from distribution among the stockholders after the payment of debts.

SEC. 32. *Be it further enacted*, That none but citizens of the United States shall have the right of voting at the meeting of the stockholders.

SEC. 33. *And be it further enacted*, That in case the said banking corporation should establish a branch in the State of Kentucky, the principal Bank in Charleston, and branches thereof in the several States, shall never charge and receive a higher premium than one half of one per cent. on the checks that may be drawn by one on another; and that whenever the said principal Bank, or any of its branches, shall draw any check on any other Bank in any of the States of Kentucky, Tennessee, North Carolina or South Carolina, or elsewhere, it shall not charge and receive a higher premium than one half of one per cent.: provided, that the bank on which such check shall be drawn, shall, by reciprocal agreement, draw on the said principal Bank, and its branches, at no higher premium; and in case the said principal Bank or any of its branches shall receive a higher premium than one half of one per cent. on any of its drafts or checks aforesaid, the whole premium paid thereon, with one hundred per cent. damages, and cost of suit, may be recovered back, in an action for money had and received, against the principal Bank, or the branch which may have received such illegal premium.

SEC. 34. *And be it further enacted*. That in case the said banking corporation shall establish a branch in the State of Kentucky, on the bills of ex-

change that the said principal Bank or any of its branches may purchase, no greater rate of discount shall be required or taken, than one per cent., besides interest at the rate of six per cent. per annum for the time said bills shall have to run; and in case a larger discount shall be required and taken, the whole amount of such discount, so required and taken, with one hundred per cent. damages and costs of suit, may be recovered in an action for money had and received, against the principal Bank, or the branch which may have required and taken such illegal discount.

SEC. 35. *And be it further enacted*, That in case the said bank corporation shall establish a branch in Kentucky, the Legislature thereof may, at all times, order the affairs of the said branch to be examined by a committee or committees; and it shall be the duty of the said branch to exhibit to the said committee or committees, all their books and evidences of debts, and to submit to an examination, on oath, if required, touching the affairs of the said branch, and its instructions from said connection in business with the principal Bank and its other branches; and if, on legal proceeding instituted against the said branch, a forfeiture of this charter shall be declared, the said branch shall be forthwith suspended.

SEC. 36. That the branch of said Bank established in this State, shall be bound to receive the notes issued by the mother Bank, or any of its branches, whether payable at said branch or not, from any of the Banks incorporated by this State, in discharge of any balance which may be due from any of them to said branch.

SEC. 37. That the capital of the branch hereby authorized to be located in this State, shall be allotted to it, from time to time, accompanied with a certificate of such allotment, which certificate shall be deposited in said branch, and be reported to the Legislature of Kentucky; and when so allotted, said capital shall not at any time be diminished, without the consent of the Legislature; and the said branch shall at no time, exclusive of deposits, owe more than twice the amount of the capital allotted, or bank to an extent beyond twice the amount of said capital.

Mr. Bledsoe moved the previous question, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rowan and Harris, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | Root, |
| Messrs. Anderson, A. | Gano, | Royston, |
| Anderson, S. H. | Goodson, | Shanklin, |
| Andrews, | Gray, N. E. | Sharpe, |
| Apperson, | Haggard, | Slaughter, |
| Bailey, | Heady, | Smith, L. B. |
| Bledsoe, | Hughes, | Swope, |
| Brooks, | McElroy, | Taggart, |
| Browder, | McFall, | Thomas, |
| Buford, | Morehead, | Thornburg, |
| Clay, | Morris, | Todd, |

| | | |
|---|---|---|
| Coleman, | Myers, | Trimble, |
| Cofer, | Newell, | Tumbo, |
| Combs, | Purdy, | White, |
| Daviess, | Redd, | Yates—47. |
| Dorton, | Rodes, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Goble, | Newton, |
| Ballard, | Gough, | O'Bannon, |
| Basye, | Graham, | Pirtle, |
| Blair, | Gray, B. E. | Pope, |
| Bodine, | Hardy, | Reeves, |
| Bradley, | Harris, | Riffe, |
| Bradshaw, | Hopkins, | Ritter, |
| Bullock, | Howard, | Rowan, |
| Buckner, | Jasper, | Rowlett, |
| Burden, | Johnson, | Rudd, |
| Butler, | Latimer, | Smith, I. |
| Coffey, | Lecompte, | Sprigg, |
| Cornish, | Marshall, | Sutton, |
| Dohoney, | McBrayer, | Waddle, |
| Edmonson, | McClung, | Wade, |
| Ellison, | McClure, | Walker, |
| Field, | Meriwether, | Wintersmith—53. |
| Finn, | Mims, | |

Mr. Marshall moved to amend said bill, by adding thereto the following section, viz:

That the notes of the principal Bank at Charleston, and of any of the branches, which may find their way into the circulation of this State, when presented at the branch located in this State, for payment, shall be redeemed there in specie; and a failure upon the part of such branch, at any time, to redeem such paper, shall of itself operate as a forfeiture of all the rights granted by this charter; and all contracts and acts of said Bank, after such failure, shall be null and void, save such as may be necessary to wind up her concerns.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Marshall and Bullock, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gough, | Newton, |
| Ballard, | Graham, | O'Bannon, |
| Bodine, | Hardy, | Pirtle, |
| Bradley, | Harris, | Pope, |
| Bradshaw, | Hopkins, | Purdy, |

| | | |
|---|---|---|
| Bullock, | Howard, | Riffe, |
| Buckner, | Hughes, | Ritter, |
| Burden, | Jasper, | Rowan, |
| Butler, | Latimer, | Rowlett, |
| Cofer, | Lecompte, | Rudd, |
| Coffey, | Marshall, | Smith, I. |
| Cornish, | McBrayer, | Sutton, |
| Ellison, | McClung, | Taggart, |
| Field, | McClure, | Waddle, |
| Finn, | Meriwether, | Walker, |
| Goble, | Mims, | Wintersmith—48. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Rodes, |
| Messrs. Anderson, A. | Fox, | Root, |
| Anderson, S. H. | Gano, | Royston, |
| Andrews, | Goodson, | Shanklin, |
| Apperson, | Gray, B. E. | Sharpe, |
| Bailey, | Gray, N. E. | Slaughter, |
| Basye, | Haggard, | Smith, L. B. |
| Blair, | Heady, | Sprigg, |
| Bledsoe, | Johnson, | Swope, |
| Brooks, | McElroy, | Thomas, |
| Browder, | McFall, | Thornburg, |
| Buford, | Morehead, | Todd, |
| Clay, | Morris, | Trimble, |
| Coleman, | Myers, | Trumbo, |
| Combs, | Newell, | Wade, |
| Daviess, | Redd, | White, |
| Dohoney, | Reeves, | Yates—52. |
| Dorton, | | |

The question was then taken on ordering said bill to be engrossed and read a third time, as amended, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Marshall and McClung, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Rodes, |
| Messrs. Allen, | Dorton, | Root, |
| Anderson, S. H. | Fox, | Royston, |
| Andrews, | Gano, | Shanklin, |
| Apperson, | Goodson, | Sharpe, |
| Bailey, | Gray, B. E. | Slaughter, |
| Basye, | Gray, N. E. | Smith, L. B. |
| Blair, | Haggard, | Sprigg, |
| Bledsoe, | Heady, | Swope, |
| Brooks, | Johnson, | Thomas, |
| Browder, | McBrayer, | Thornburg, |

| | | |
|---|---|---|
| Buford, | McFall, | Trimble, |
| Clay, | Morehead, | Trumbo, |
| Coleman, | Morris, | White, |
| Coffey, | Myers, | Wintersmith, |
| Combs, | Newell, | Yates—48. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Graham, | Pirtle, |
| Ballard, | Hardy, | Pope, |
| Bodine, | Harris, | Purdy, |
| Bradley, | Hopkins, | Redd, |
| Bradshaw, | Howard, | Reeves, |
| Bullock, | Hughes, | Riffe, |
| Buckner, | Jasper, | Ritter, |
| Burden, | Latimer, | Rowan, |
| Butler, | Lecompte, | Rowlett, |
| Cofer, | Marshall, | Rudd, |
| Cornish, | McClung, | Smith, I. |
| Dohoney, | McClure, | Sutton, |
| Edmonson, | McElroy, | Taggart, |
| Ellison, | Meriwether, | Todd, |
| Field, | Mims, | Waddle, |
| Finn, | Newton, | Wade, |
| Goble, | O'Bannon, | Walker—52. |
| Gough, | | |

And then the House adjourned.

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## WEDNESDAY, JANUARY 30, 1839.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of the estate of Lewis Fible.

An act to repeal the law authorizing the County Court of Hardin to sell the poor house lands.

An act to change the name of Jane Wright to that of Jane Dodd.

An act altering a Constable's district in Wayne county.

An act to establish the town of Frederick, in Barren county.

Mr. Rowlett moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be directed to report the bill lessening the salaries of certain officers of this Commonwealth.

Mr. Andrews moved that said resolution be laid on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Thornburg and Rowlett, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Myers, |
| Messrs. Anderson, S. H. | Goble, | Rodes, |
| Andrews, | Gray, N. E. | Smith, L. B. |
| Bailey, | McClung, | Swope, |
| Clay, | Meriwether, | Trumbo, |
| Dorton, | Morehead, | Waddle—19. |
| Field, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | O'Bannon, |
| Anderson, A. | Fox, | Pirtle, |
| Apperson, | Goodson, | Pope, |
| Ballard, | Gough, | Purdy, |
| Basye, | Graham, | Redd, |
| Blair, | Gray, B. E. | Reeves, |
| Bledsoe, | Haggard, | Riffe, |
| Bodine, | Hardy, | Ritter, |
| Bradley, | Harris, | Rowan, |
| Bradshaw, | Heady, | Rowlett, |
| Brooks, | Hopkins, | Royston, |
| Browder, | Howard, | Sharpe, |
| Buford, | Hughes, | Slaughter, |
| Bullock, | Jasper, | Smith, I. |
| Burden, | Johnson, | Sprigg, |
| Butler, | Latimer, | Sutton, |
| Cofer, | Lecompte, | Taggart, |
| Coffey, | Marshall, | Thomas, |
| Combs, | McBrayer, | Thornburg, |
| Cornish, | McClure, | Wade, |
| Daviess, | McElroy, | Walker, |
| Dohoney, | McFall, | White, |
| Edmonson, | Mims, | Wintersmith, |
| Ellison, | Morris, | Yates—73. |

The question was then taken upon the adoption of said resolution, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Rowlett and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Heady, | Riffe, |
| Bodine, | Howard, | Rowan, |
| Bradshaw, | Jasper, | Rowlett, |
| Burden, | Johnson, | Smith, I. |
| Coffey, | Lecompte, | Sprigg, |
| Dohoney, | McBrayer, | Sutton, |
| Ellison, | McClure, | Thomas, |
| Finn, | McElroy, | Thornburg, |
| Goodson, | Mims, | Wade, |
| Gough, | O'Bannon, | Walker, |
| Hardy, | Pirtle, | Yates—35. |
| Harris, | Redd, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Pope, |
| Messrs. Anderson, A. | Dorton, | Purdy, |
| Anderson, S. H. | Edmonson, | Reeves, |
| Andrews, | Field, | Ritter, |
| Apperson, | Fox, | Rodes, |
| Bailey, | Gano, | Root, |
| Basye, | Goble, | Royston, |
| Blair, | Graham, | Rudd, |
| Bledsoe, | Gray, B. E. | Shanklin, |
| Bradley, | Gray, N. E. | Sharpe, |
| Brooks, | Haggard, | Slaughter, |
| Browder, | Hopkins, | Smith, L. B. |
| Buford, | Hughes, | Swope, |
| Bullock, | Latimer, | Taggart, |
| Buckner, | McClung, | Todd, |
| Butler, | McFall, | Trumbo, |
| Clay, | Meriwether, | Waddle, |
| Cofer, | Morehead, | White, |
| Combs, | Morris, | Wintersmith—59. |
| Cornish, | Myers, | |

1. Mr. Wintersmith presented the petition of sundry citizens of the town of Big Spring, praying the passage of a law incorporating said town.

2. Mr. Slaughter presented the petition of George W. Pottinger, praying the passage of a law authorizing the guardian of the infant heirs of Samuel Pottinger, dec'd., to use a part of their etate, for the purpose of educating said heirs.

3. Mr. Dohoney presented the petition of sundry citizens of the town of Columbia, praying the passage of a law enlarging the powers of the Trustees of said town.

4. Mr. Basye presented the petition of Joseph Shropshire, praying a divorce from his wife, Dorcas Shropshire.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee for Courts of Justice;

the 3d to Messrs. Dohoney, A. Anderson and McClure, and the 4th to the committee on Religion.

Mr. Jasper, from the committee on Enrollments, reported that the committee had examined an enrolled bill from the Senate, entitled,

An act authorizing Samuel Arnett to qualify as High Sheriff of Nicholas county.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Jasper inform the Senate thereof.

On motion of Mr. McFall—Leave was given to bring in a bill to incorporate a company to turnpike the roads from the town of Hickman to the State line, in the direction to Dresden and Troy, in Tennessee.

*Ordered*, That the committee on Internal Improvement prepare and bring in the same.

Mr. Bledsoe, from the committee on Propositions and Grievances, to whom was referred the petition of James Faris—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected—which was concurred in.

Mr. Bledsoe, from the same committee, to whom was referred the petition of sundry citizens of Union, Caldwell, Hopkins and Livingston, praying for the formation of a new county out of parts of said counties—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. McElroy moved to amend said resolution, by striking out the words "be rejected," and insert the words "is reasonable."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McElroy and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | Hopkins, | Newell, |
| Coffey, | McBrayer, | Pirtle, |
| Edmonson, | McElroy, | Thornburg, |
| Gray, N. E. | Mims, | White—12. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Finn, | Riffe, |
| Messrs. Allen, | Gano, | Ritter, |
| Anderson, S. H. | Goble, | Rodes, |
| Andrews, | Goodson, | Root, |
| Apperson, | Gough, | Rowan, |
| Bailey, | Gray, B. E. | Rowlett, |
| Ballard, | Haggard, | Royston, |

| | | |
|---|---|---|
| Basye, | Hardy, | Rudd, |
| Blair, | Harris, | Shanklin, |
| Bledsoe, | Heady, | Sharpe, |
| Bodine, | Howard, | Slaughter, |
| Bradshaw, | Hughes, | Smith, I. |
| Brooks, | Jasper, | Smith, L. B. |
| Browder, | Latimer, | Sprigg, |
| Buford, | Lecompte, | Sutton, |
| Bullock, | McClure, | Swope, |
| Burden, | McFall, | Thomas, |
| Butler, | Meriwether, | Todd, |
| Coleman, | Morehead, | Trimble, |
| Cofer, | Morris, | Trumbo, |
| Combs, | Myers, | Waddle, |
| Cornish, | O'Bannon, | Wade, |
| Daviess, | Pope, | Walker, |
| Dorton, | Purdy, | Wintersmith, |
| Ellison, | Reeves, | Yates—75. |

Mr. Bledsoe, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Joseph Dawson—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the committee on Claims, to whom was referred the petition of James M. George, and others; of Sandy H. Aldridge, and of Wm. Hunter—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected—which was concurred in.

On motion of Mr. Dorton—Leave was given to withdraw the petition of Sandy H. Aldridge, and it was withdrawn.

Mr. Pope, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Edward McCoy and Wm. Crabtree.

An act to provide for re-binding certain record books of the Shelby County Court.

An act for the benefit of Anderson Dunn and Isaac Hemingway,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act for the benefit of the heirs of Ruth and Polly Pointer.

An act to incorporate the Louisville Law Library Company.

An act for the benefit of Margaret B. White.

An act for the benefit of the heirs of Francis Blaydes, dec'd.

An act to repeal the 10th section of an act to incorporate a fire company in the town of Cynthiana, and for other purposes—approved January 27th, 1838.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, dec'd., approved Feb. 16, 1838.

An act to amend an act incoroporating the stockholders of the Merchants' Louisville Insurance Company.

An act to amend an act to provide against compounding penal prosecutions, approved Feb. 3, 1837.

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act further regulating the duties of Clerks of Circuit Courts—reported the same with amendments.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Clerks of the General, Circuit, Chancery and other Courts in this Commonwealth, without delay, in suits now pending, and not heard or determined, promptly and regularly to endorse on an inner envelope, protected from wear and tear by an outer envelope, and filed with the papers of the cause, the day of filing the bill, declaration, or notice of motion, with the names of the complainants or plaintiff, and of defendant or defendants, the teste of every subpœna and other process issued, the return-day thereof, the parties named therein, the return of such process, and the persons on whom the same is served, and the substance of each order drawn and step taken in the cause, with the date thereof; *for which service the Clerk shall be allowed for every endorsement of every process, including the date of the return, and the name of the persons on whom the same is served, if made; and for every endorsement of the substance of each order, decree, or step taken in the cause; and for every endorsement of the proceedings on such order or decree; and for every order of proceeding in court, five cents for each, to be charged by him to the party complainant or plaintiff, and defendant or defendants, at whose instance such process, order, or proceeding was issued, taken, made, or moved, and to be taxed as other costs of suit.*

The first amendment was concurred in.

The second amendment proposed to strike out of said bill, the words printed in italics, and insert in lieu thereof, the following:

"For which the Clerk shall receive no compensation."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. O'Bannon and Rowlett, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Mims, |
| Messrs. Anderson, A. | Finn, | Morris, |
| Anderson, S. H. | Fox, | Newell, |
| Apperson, | Gano, | O'Bannon, |
| Bailey, | Goodson, | Pirtle, |
| Blair, | Gough, | Purdy, |
| Bodine, | Graham, | Redd, |
| Bradley, | Gray, B. E. | Riffe, |
| Bradshaw, | Gray, N. E. | Ritter, |
| Brooks, | Haggard, | Rowlett, |
| Browder, | Hardy, | Royston, |
| Buckner, | Heady, | Smith, I. |
| Burden, | Howard, | Sutton, |
| Coleman, | Hughes, | Taggart, |
| Cofer, | Jasper, | Thornburg, |
| Coffey, | Johnson, | Todd, |
| Combs, | Lecompte, | Trimble, |
| Cornish, | McBrayer, | Waddle, |
| Daviess, | McClure, | Wade, |
| Dohoney, | McElroy, | Walker, |
| Dorton, | McFall, | White—63. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Hopkins, | Sharpe, |
| Andrews, | Meriwether, | Slaughter, |
| Ballard, | Myers, | Smith, L. B. |
| Basye, | Pope, | Sprigg, |
| Bledsoe, | Reeves, | Swope, |
| Buford, | Rodes, | Trumbo, |
| Butler, | Root, | Wintersmith, |
| Field, | Rowan, | Yates—26. |
| Goble, | Shanklin, | |

Mr. Meriwether moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wintersmith and Daviess, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gano, | Rodes, |
| Anderson, A. | Gough, | Rowan, |
| Andrews, | Hopkins, | Slaughter, |
| Ballard, | Jasper, | Sprigg, |
| Basye, | McClure, | Sutton, |
| Blair, | McElroy, | Swope, |
| Bradshaw, | Meriwether, | Taggart, |
| Buford, | Pope, | Thornburg, |
| Field, | Redd, | Tumbo, |
| Finn, | Riffe, | Yates—30. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | Newell, |
| Messrs. Anderson, S. H. | Goble, | O'Bannon, |
| Apperson, | Goodson, | Pirtle, |
| Bailey, | Graham, | Purdy, |
| Bledsoe, | Gray, B. E. | Reeves, |
| Bodine, | Gray, N. E. | Ritter, |
| Bradley, | Haggard, | Root, |
| Brooks, | Hardy, | Rowlett, |
| Browder, | Heady, | Royston, |
| Buckner, | Howard, | Shanklin, |
| Burden, | Hughes, | Sharpe, |
| Butler, | Johnson, | Smith, I. |
| Cofer, | Latimer, | Smith, L. B. |
| Coffey, | Lecompte, | Todd, |
| Combs, | McBrayer, | Trimble, |
| Cornish, | McClung, | Waddle, |
| Daviess, | McFall, | Wade, |
| Dohoney, | Mims, | Walker, |
| Dorton, | Morris, | White, |
| Edmonson, | Myers, | Wintersmith—61. |
| Ellison, | | |

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Butler, from the same committee, to whom was referred a bill concerning the town of Warsaw—reported the same with amendments, which were concurred in.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and the title thereof be amended to read, an act concerning the towns of Warsaw and Monticello.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill to extend the limits of the town of Bowlinggreen, in Warren county.

By same—2. A bill for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave made by him.

By same—3. A bill to amend an act, entitled, an act for the benefit of the heirs of Aron Foreman, dec'd.

By same—4. A bill to add a part of Pulaski to Russell county.

By the committee on Privileges and Elections—5. A bill to establish an election precinct at S. R. Pace's store, in Barren county.

By the committee on Claims—6. A bill for the benefit of Wm. Herd.

By same—7. A bill for the benefit of Mentor A. Shanks ank Hannibal Abell.

By same—8. A bill for the benefit of James W. Bowers, Jailor of Campbell county.

By same—9. A bill for the benefit of Stephen R. Chenoweth, Jailor of Jefferson county, and Henry Payne, Jailor of Union oounty.

By the committee for Courts of Justice—10. A billl providing for a change of venue in the prosecution of Ebenezer W. Leverett.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with,

The 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th and 10th bills were ordered to be engrossed, and read a third time; and the 4th was referred to Messrs. McClure, Jasper, Dohoney and White.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th, 8th, and 10th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Trimble read and laid on the table the following resolutions, viz:

Whereas, artificial outlets from the Western waters to the Atiantic ocean would promote the commercial interests of the Western States in *times of peace*, by giving them a choice of markets, and might become essentially necessary to their prosperity in *times of war*, when their natural outlets by the Mississippi and Gulf of Mexico might be blockaded by hostile fleets: And whereas, the port of Norfolk, Virginia, with its spacious bay, is always open to commerce, for vessels of every burden, and is one of the safest and best harbours on the sea coast of the Union, always free from ice, and easily entered against adverse winds: And whereas, a continuous line of railroad from Norfolk to the Ohio river would be free from obstructions in winter, and open for trade and intercourse at all seasons of the year, and would be

as short and cheap, if not the shortest and cheapest route from the seaboard to the west; and therefore equal, if not superior, to any line of inter-communication heretofore projected, and certainly far superior to any of the lines north of that route: And whereas, the position of Norfolk, with its safe harbor and broad bay of easy access, now well fortified, gives it many advantages over other sea coast cities as a commercial emporium; and the position of Richmond, in the direct route to the *great valley*, with its water power far exceeding that of any other city in the known world, gives it many advantages as a place of depot and distribution, as well as a site for manufacturing purposes: And whereas, the State of Illinois is now constructing a railroad from Mount Carmel, on the Wabash, to Alton, on the Mississippi, with a branch to St. Louis, in Missouri; and the State of Indiana is preparing to construct a similar road from Mount Carmel to New Albany, opposite to Louisville, in Kentucky: And whereas, a railroad is now being constructed from Louisville to Lexington, making a distance of three hundred and forty six miles from Lexington, westward to St. Louis, and leaving a space of about 500 miles from Lexington, Ky., to Richmond, Va.: And whereas, the interests of agriculture, manufactures and commerce, within the said States and elsewhere, would be greatly promoted, and the prosperity of the people of each State greatly increased, by opening the proposed *line of trade and intercourse* between the seaboard and the great West: Therefore,

*Resolved*, That a railroad from Richmond, Va., or from Norfolk, by way of Richmond, to a point at or near the mouth of Big Sandy, and thence by way of Lexington, to Louisville, in Kentucky, would be a work of unequaled utility, worthy of the age in which we live, and of the States and people who shall begin this enterprize.

*Resolved*, That the Board of Internal Improvement be directed to cause the route for a railroad to be surveyed and examined, from Lexington, Ky., to such point at or near the mouth of Big Sandy, as would be most convenient to connect the road with a railroad from Richmond, Va., to that place, and to prepare a plat of the survey, with plans and estimates for the use of the Legislature.

*Resolved*, That the Governor of Kentucky be requested to transmit a copy of the foregoing resolutions to the Governor of the State of Virginia, to be laid before the Legislature of that State.

And then the House adjourned.

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## THURSDAY, JANUARY 31, 1839.

1. Mr. Brooks presented the petition of the executors of John Thompson, dec'd., praying the passage of a law incorporating a town on the lands of said deceased, in Bracken county.

2. Mr. McElroy presented the petition of G. B. Taylor, and others, praying a change in the location of a part of the State road from the mouth of Salt river to the Ohio river, opposite Shawneetown.

3. Mr. Bledsoe presented the petition of sundry citizens of Bourbon county, praying a modification of the law prohibiting the importation of slaves into this State.

Which petitions were severally received, the reading thereof (except the 3d, which was read,) being dispensed with, the 1st was referred to Messrs. Brooks, Swope, Goodson and Sharpe; the 2d to the committee on Propositions and Grievances, and the 3d was laid on the table.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Andrew Orr and Caroline Orr.

An act for the benefit of Abraham Kightly.

An act for the benefit of Wm. P. Neale and others.

And had passed a bill from the Senate, entitled,

An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

Mr. Shanklin, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to extend the powers of the Trustees of the town of Burksville.

An act to establish the town of Rochester.

An act in relation to the roads in Clay, Perry, Knox, Laurel, Whitley and Harlan counties.

An act to amend the law concerning weights and measures.

An act for the divorce of Adam R. Walker.

An act allowing two additional Justices of the Peace to Oldham county.

An act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.

An act to amend the charter of St. Joseph's College.

An act to amend the charter of Centre College.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to change a part of the State road from Brandenburg to Bowling-green.

An act for the benefit of Charity Taylor.

An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

An act for the benefit of Matthew Elder.

An act for the benefit of the Sheriffs of Estill and Pendleton counties.

An act to change the place of voting in the Stamping Ground precinct, in Scott county.

An act for the benefit of the Clerk of the Scott Circuit Court.

An act to change the bounds of the Seventh Division of Kentucky Militia, and for other purposes.

An act for the benefit of the estate of Edmund Hall, deceased.

An act for the benefit of the Sheriff of Madison county.

An act for the benefit of the mechanics of Maysville.

An act to change the venue in the case of John D. Perkins.

An act authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson and John Murdaugh.

An act for the benefit of Maria Waller, an idiot.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., dec'd.

An act to incorporate the Trustees of the Rock Spring Church.

An act in relation to the registration of mortgages and deeds of trust.

An act for the benefit of Nancy Collins.

An act to change the place of voting in an election precinct in Cumberland county.

An act altering a Constable's district in Wayne county.

An act to change the name of Green Ruby that of Green Kerley.

And bills from the Senate, of the following titles, viz:

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent lists of revenue tax for 1838.

An act for the benefit of the Sheriff of Green county.

An act for the divorce of Sarah Jane Phelps.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act to authorize the sale of the Seminary lands of Wayne county.

An act for the benefit of the Spencer county Seminary.

An act giving Harris W. Thompson, late Deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

An act for the benefit of Mason W. Sherrell.

An act for the benefit of the Lunatic Asylum.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of Wm. Pierce—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected—which was concurred in.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill to incorporate the Goulding Patent Bagging Manufacturing Company—reported the same with amendments, which were concurred in.

And after some discussion had thereon,

Mr. McClung moved the previous question, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | Pope, |
| Anderson, A. | Fox, | Purdy, |
| Ballard, | Goodson, | Redd, |
| Basye, | Gough, | Reeves, |
| Bledsoe, | Gray, B. E. | Ritter, |
| Bodine, | Gray, N. E. | Root, |
| Bradley, | Haggard, | Rowan, |
| Bradshaw, | Heady, | Royston, |
| Brooks, | Hopkins, | Shanklin, |
| Browder, | Howard, | Smith, I. |
| Buford, | Hughes, | Sutton, |
| Burden, | McClung, | Swope, |
| Butler, | McClure, | Taggart, |
| Coleman, | McElroy, | Thornburg, |
| Combs, | Meriwether, | Todd, |
| Daviess, | Mims, | Trimble, |
| Dohoney, | Morehead, | Walker, |
| Dorton, | Morris, | White, |
| Edmonson, | O'Bannon, | Yates—58. |
| Ellison, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goble, | Riffe, |
| Messrs. Anderson, S. H. | Graham, | Rodes, |
| Andrews, | Hardy, | Rowlett, |
| Apperson, | Harris, | Rudd, |
| Bailey, | Jasper, | Sharpe, |
| Blair, | Johnson, | Slaughter, |
| Bullock, | Latimer, | Smith, L. B. |
| Buckner, | Lecompte, | Sprigg, |
| Clay, | Marshall, | Thomas, |
| Cofer, | McBrayer, | Trumbo, |
| Coffey, | McFall, | Waddle, |
| Cornish, | Myers, | Wade, |
| Field, | Newell, | Wintersmith—40. |
| Gano, | | |

The main question was then put, Shall the bill, as amended, be engrossed and read a third time?

And it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Field and Rowlett, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Reeves, |
| Messrs. Allen, | Goodson, | Ritter, |
| Anderson, S. H. | Graham, | Rodes, |
| Ballard, | Gray, B. E. | Root, |
| Basye, | Gray, N. E. | Rowan, |
| Bledsoe, | Hardy, | Royston, |
| Bodine, | Heady, | Rudd, |
| Bradshaw, | Hughes, | Slaughter, |
| Browder, | Jasper, | Sutton, |
| Buford, | Johnson, | Swope, |
| Butler, | Latimer, | Thomas, |
| Clay, | McClung, | Todd, |
| Cofer, | McElroy, | Trimble, |
| Coffey, | McFall, | Trumbo, |
| Daviess, | Meriwether, | Waddle, |
| Edmonson, | Mims, | White, |
| Ellison, | Pope, | Wintersmith, |
| Field, | Purdy, | Yates—56. |
| Fox, | Redd, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Finn, | Newell, |
| Andrews, | Goble, | O'Bannon, |
| Apperson, | Gough, | Pirtle, |
| Bailey, | Haggard, | Riffe, |
| Blair, | Harris, | Rowlett, |
| Bradley, | Hopkins, | Shanklin, |
| Brooks, | Howard, | Sharpe, |
| Bullock, | Lecompte, | Smith, I. |
| Buckner, | Marshall, | Smith, L. B. |
| Burden, | McBrayer, | Sprigg, |
| Coleman, | McClure, | Taggart, |
| Combs, | Morehead, | Thornburg, |
| Cornish, | Morris, | Wade, |
| Dohoney, | Myers, | Walker—43. |
| Dorton, | | |

Mr. Wintersmith, from the committee for Courts of Justice, to whom was referred bills of the following titles, viz:

A bill to incorporate the Cumberland Coal Mining Company.

A bill for the benefit of the heirs of Elijah Cummings, deceased,

Reported the first with, and the latter without amendment, which was concurred in.

*Ordered*, That said bills be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the first bill, by Messrs. Dohoney and Taggart, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Purdy, |
| Messrs. Allen, | Graham, | Reeves, |
| Anderson, S. H. | Gray, B. E. | Ritter, |
| Bailey, | Gray, N. E. | Rodes, |
| Basye, | Haggard, | Root, |
| Bledsoe, | Hardy, | Royston, |
| Bodine, | Heady, | Rudd, |
| Bradshaw, | Hughes, | Slaughter, |
| Browder, | Jasper, | Smith, I. |
| Buford, | Johnson, | Smith, L. B. |
| Butler, | Latimer, | Sprigg, |
| Clay, | McElroy, | Sutton, |
| Daviess, | McFall, | Swope, |
| Dorton, | Meriwether, | Trimble, |
| Edmonson, | Mims, | Trumbo, |
| Field, | Morehead, | Waddle, |
| Fox, | Myers, | Wintersmith—53. |
| Gano, | Pope, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Cornish, | McClure, |
| Andrews, | Dohoney, | O'Bannon, |
| Apperson, | Ellison, | Pirtle, |
| Ballard, | Finn, | Riffe, |
| Blair, | Goble, | Rowlett, |
| Bradley, | Gough, | Shanklin, |
| Brooks, | Harris, | Sharpe, |
| Bullock, | Hopkins, | Taggart, |
| Buckner, | Howard, | Thornburg, |
| Burden, | Lecompte, | Wade, |
| Cofer, | McBrayer, | Yates—34. |
| Coffey, | | |

Mr. Apperson, from the same committee, to whom was referred a bill to authorize the sale of a house and lot, belonging to the heirs of Jacob Lyon, a man of color—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Apperson, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved Feb. 24, 1834.

An act for the benefit of George H. Clements and others.

An act the better and more effectually to protect the rights of reversionary legatees.

An act to establish the town of Lovelaceville, in the county of McCracken.

An act to amend the charter of the city of Maysville.

An act to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Andrews, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

1. An act for the benefit of John Hollingsworth.

2. An act to amend an act, entitled, an act to incorporate the Town of Albany, in Clinton county, and Ballardsville, in Oldham county—approved January 27, 1838,

Reported the first without, and the second with an amendment, which was concurred in.

*Ordered*, That the 1st bill be referred to the committee on Ways and Means, and the 2d be read a third time.

The rule of the House, constitutional provision and third reading of the second bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the committee for Courts of Justice, viz:

1. A bill to change the time of holding the Perry and Harlan and Circuit Courts.

2. A bill for the benefit of the infant heirs of Sam'l Pottinger, dec'd.

3. A bill to incorporate the Trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

4. A bill to authorize the Clerk of the Hancock County Court to amend certain records in his office.

5. A bill to incorporate the towns of New Haven, Hodgenville and Big Spring.

6. A bill to enlarge the powers of the Trustees of the town of Brandenburg.

7. A bill to repeal an act, entitled, an act for the benefit of Wm. M. Simmons, approved Feb. 12, 1838.

8. A bill for the benefit of Mary Hughes, an infant.

9. A bill for the benefit of Ransom Laswell, and others.

10. A bill for the benefit of Volney E. Bragg, late Deputy Sheriff of Lewis county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was referred to Messrs. Morris, Buford, Harris and Dorton; the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 10th, were ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 10th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

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## FRIDAY, FEBRUARY 1, 1839.

A message was received from the Senate, announcing that they had concurred in the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act further regulating the duties of Clerks of Circuit Courts.

An act for the benefit of the estate of Guthrie Morris.

An act providing for a change of venue from the Greenup Circuit Court to Morgan Circuit Court, in the case of John C. Ball, and others.

And their disagreement to bills from this House, of the following titles, viz:

An act for the divorce of John Bowden.

An act for the divorce of Daniel S. Shacklett.

And had passed a bill from this House, entitled,

An act to repeal all laws declaring Little river a navigable stream above Alexander's Ford, and for other purposes.

And had passed bills from the Senate of the following titles, viz:

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

An act to amend the law of petition and summons, and actions on joint contracts.

An act to amend the 7th section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16, 1838.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act to authorize the Scott County Court to impose an additional county levy.

An act for the benefit of Harrison Rankin, and wife, and children.

An act for the benefit of John M. Emerson, and his securities.

An act prescribing the duties of the Keeper and Clerk of the Penitentiary.

On the motion of Mr. Walker—Leave was given to withdraw the petition of Elizabeth Miller, and the same was withdrawn.

1. Mr. Swope presented the petition of sundry citizens, (with other documents,) praying that the compensation of the Judge of the Second Judicial District may be made equal to that of the other Circuit Judges of this State.

2. Mr. Hardy presented the petition of sundry citizens of Barren county, praying for an additional Justice of the Peace.

3. Mr. S. H. Anderson presented the petition of the members of the bar in Garrard county, and other citizens of said county, praying an alteration in the time of holding the Garrard and Mercer Circuit Courts.

4. Mr. Graham presented the petition of sundry citizens of Bullitt county, praying that certain precincts may be abolished.

5. Mr. N. E. Gray presented the petition of sundry citizens of Christian county, praying for an election precinct in said county.

6. Mr. O'Bannon presented the petition of sundry citizens of Henry county, praying for an additional Justice of the Peace.

Which were received, the reading thereof dispensed with, and referred—the 1st, 2d and 6th to the committee for Courts of Justice; the 3d to Messrs. S. H. Anderson, Bailey, Daviess and Cornish; the 4th to the committee on Privileges and Elections; and the 5th to the committee on Propositions and Grievances.

On motion of Mr. Goodson—Leave was given to bring in a bill to incorporate the Covington Social Library.

*Ordered*, That the committee for Courts of Justice prepare and bring in the same.

Mr. Butler, from the committee for Courts of Justice, to whom was re-

ferred the petition of the adm'r. of Nimrod Ingram; of the Trustees of Hawesville; of the citizens of Mayslick; of the citizens of Springfield, and of the citizens of Oldham county—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected—which was concurred in.

Mr. Buckner, from the same committee, to whom was referred the petition of Charles J. Asbury, and others—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected—which was concurred in.

Mr. Butler, from the same committee, to whom was referred the petition of John A. Markley; of Eli Adams, and of Catharine Flynn—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected—which was concurred in.

Mr. Butler, from the same committee, to whom was referred the petition of sundry citizens of the town of Richmond, asked leave to be discharged from the further consideration thereof, which was granted.

*Ordered*, That the said petition be referred to the committee on Military Affairs.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred the petition of sundry citizens of Graves county; the petition of sundry citizens of Washington county, and the petition of sundry citizens of Lewis county—reported the same with the following resolution, viz:

*Resolved*, That said petitions be rejected—which was concurred in.

Mr. S. H. Anderson, from the same committee, made the following report, viz:

The committee of Internal Improvements, to whom was referred a resolution, instructing them "to inquire into the propriety of the State taking two thirds of the stock in the turnpike road, leading from Winchester, through Mountsterling to Owingsville; and that they report the amount of stock taken by the State in any internal improvements in Montgomery county, and the amount expended by the State in that county"—have had that resolution under consideration, and would respectfully make the following report:

Under the law providing for the internal improvement of the State, a discretion is given to the Board of Internal Improvements, to subscribe two thirds of the stock in turnpike roads, where individuals cannot be induced to subscribe one half of the amount necessary for the construction of any road, "from the sparseness of the population, or the pecuniary condition of the country" through which the road passes; and the committee has not seen nor heard any sufficient consideration to induce them to recommend a special law in relation to this road.

In further response to the resolution, the committee would report that there has been subscribed, on behalf of the Cemmonwealth, in the stock of a company, now constructing a turnpike road from Mountsterling to Maysville, the sum of $72,000; of which the sum of $44,880 has been paid.

That the sum of $22,556 28 has been expended by the Board, for the improvement of the road from Mountsterling to the Virginia line.

The committee had no means of ascertaining what portion of those sums has been expended in Montgomery county.

The committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That it is inexpedient to legislate upon the subject of the resolution referred to them.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill further regulating the fees of Justices of the Peace—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of the estate of Leonard Hamilton, dec'd.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the 2d bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Buckner, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

An to change the time of holding the Green Circuit Court,

Reported the same, with amendments to each.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Butler, from the same committee, to whom was referred bills of the following titles, viz:

A bill to give Justices of the Peace jurisdiction in cases of trespass, and trespass on the case where the damages are laid to five pounds or under.

A bill to incorporate the Paris Fire, Life, and Marine Insurance Company —reported the same without amendment.

*Ordered*, That said bills be engrossed, and read a third time.

The yeas and nays being required on engrossing and reading a third time, the first bill, by Messrs. Sutton and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Howard, | Root, |
| essrs. Ballard, | Lecompte, | Rowan, |
| Browder, | McBrayer, | Rowlett, |
| Burden, | McClure, | Royston, |
| Coleman, | Meriwether, | Sharpe, |
| Coffey, | Morehead, | Smith, I. |
| Cornish, | Morris, | Smith, L. B. |
| Dohoney, | Newell, | Sprigg, |
| Ellison, | Newton, | Sutton, |
| Gough, | O'Bannon, | Todd, |
| Graham, | Pirtle, | Wade, |
| Gray, B. E. | Purdy, | Walker, |
| Haggard, | Riffe, | White, |
| Heady, | Ritter, | Yates—42. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Dorton, | Mims, |
| Anderson, S. H. | Edmonson, | Myers, |
| Andrews, | Field, | Pope, |
| Basye, | Gano, | Reeves, |
| Blair, | Goble, | Rodes, |
| Bledsoe, | Goodson, | Shanklin, |
| Bradley, | Gray, N. E. | Slaughter, |
| Bradshaw, | Hopkins, | Swope, |
| Brooks, | Hughes, | Taggart, |
| Butler, | Johnson, | Thomas, |
| Clay, | Latimer, | Thornburg, |
| Cofer, | Marshall, | Tumbo, |
| Daviess, | McElroy, | Wintersmith—39. |

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill to increase the capital stock of the Falmouth Bridge Company—reported the same without amendment.

*Ordered*, That said bill be referred to Messrs. Heady, Graham, Trimble, Rowlett, B. E. Gray and Todd.

Mr. Butler, from the committee for Courts of Justice, who were appoint-

ed to prepare and bring in the same—reported a bill for the benefit of the heirs and representatives of Joseph Walker, dec'd.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with,

Mr. Bledsoe moved an amendment to said bill, as a substitute.

The original bill reads as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the surviving executrix, alone or jointly, with the adult heirs of Joseph Walker dec'd., to exhibit a bill, in the Shelby or Bourbon Circuit Court, making the other heirs of said Walker defendants, setting forth in said bill, that a contest touching the title to a certain tract of land, situated in the county of Shelby, has been carried on between the heirs and representatives of said Walker, and a certain John M. Ogden; and that in order to terminate said contest, the said heirs and representatives have, by their agent, James W. Rice, made a contract of compromise with said Ogden, by which they have bound said heirs and representatives to make conveyance to said Ogden; and that said contract of compromise is advantageous to said heirs and representatives. And upon said defendants, both adult and infants, being properly before the Court, and the case duly prepared for hearing, if the Court shall, from the evidence, be satisfied that the allegations of the bill are properly sustained, the said Court shall require the said surviving executrix to enter into bond, with sufficient security, in the proper penal amount, conditioned to account to the said heirs for the proceeds of said contract of compromise, as other assets are accounted for; and upon said bond being entered into, it shall be the duty of the Court to appoint a commissioner, with power to make conveyance, in conformity with the contract of compromise.

And the question being taken on the adoption of the substitute offered by Mr. Bledsoe, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bledsoe and Browder, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gough, | Reeves, |
| Messrs. Allen, | Graham, | Riffe, |
| Anderson, A. | Gray, B. E. | Rodes, |
| Andrews, | Gray, N. E. | Root, |
| Bailey, | Haggard, | Rowan, |
| Ballard, | Hardy, | Rowlett, |
| Basye, | Harris, | Royston, |
| Blair, | Heady, | Shanklin, |
| Bledsoe, | Howard, | Sharpe, |
| Bradshaw, | Jasper, | Slaughter, |
| Brooks, | Johnson, | Smith, I. |
| Browder, | Latimer, | Sprigg, |

| | | |
|---|---|---|
| Burden, | Lecompte, | Thomas, |
| Coleman, | McBrayer, | Todd, |
| Cofer, | McFall, | Trumbo, |
| Cornish, | Mims, | Waddle, |
| Daviess, | Morris, | Wade, |
| Edmonson, | Myers, | Walker, |
| Ellison, | Newell, | White, |
| Fox, | Newton, | Wintersmith, |
| Gano, | Pirtle, | Yates—65. |
| Goodson, | Purdy, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | Hopkins, | Ritter, |
| Buckner, | Hughes, | Smith, L. B. |
| Butler, | McClure, | Sutton, |
| Coffey, | McElroy, | Swope, |
| Dohoney, | Meriwether, | Taggart, |
| Dorton, | O'Bannon, | Thornburg, |
| Finn, | Pope, | Trimble—23. |
| Goble, | Redd, | |

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Swope—1. A bill to equalize the salaries of the Circuit Court Judges.

By the committee for Courts of Justice—2. A bill authorizing the sale of the real estate of Hiram Spurlocks, dec'd., and for other purposes.

By same—3. A bill to allow an additional Justice of the Peace and Constable to Bath county, and an additional Justice of the Peace to Graves county.

By same—4. A bill to establish the town of Hillsborough, in Fleming county.

By same—5. A bill for the benefit of the widow and heirs of Michael Chism.

By same—6. A bill for the benefit of Wm. Gilpin and Francis Gilpin.

By same—7. A bill for the benefit of the representatives of Rodolphus B. Greathouse.

By same—8. A bill to provide for the permanent investment and application of the Craddock Fund.

By the committee on Internal Improvement—9. A bill to authorize a resurvey of so much of the State road leading from Hopkinsville to Morgantown, as lies within the county of Todd.

Which were received, and read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st was referred to the committee for Courts of Justice, and the 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred leave to bring in a bill making an appropriation to that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the county of Henderson—asked to be discharged from the further consideration thereof.

Mr. Hopkins moved that said leave be re-committed to said committee, with instructions to report a bill.

And it was decided in the negative.

The question was then taken on discharging said committee, and decided in the affirmative.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill to reduce the salaries of certain officers in this Commonwealth—reported the same with an amendment, as a substitute for the bill; and after some discussion had thereon,

The House then adjourned.

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## SATURDAY, FEBRUARY 2, 1839.

A message was received from the Senate, announcing that they had concurred in the amendment proposed by this House to a bill from the Senate, entitled,

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county—approved January 27, 1838.

And their disagreement to a bill from this House, entitled,

An act to amend the charter of the Richmond and Lexington Turnpike Road Company.

And the passage of bills from this House, of the following titles, viz:

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road at Springfield.

An act to repeal the 4th section of an act, entitled, an act to establish a State road from Flynn's old ferry across the Ohio river, in Livingston county, to Princeton, in Caldwell county, and for other purposes—approved 25th February, 1836.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the State line, in a direction to Knoxville.

An act authorizing a survey of the road leading over Mount Scratchem and Old Landing Hills, in Estill county.

An act to incorporate the Bank Lick Turnpike Road Company.

An act for the divorce of Lucy Graves.

An act to provide for re-surveying the line between Marion and Washington.

An act to incorporate the Republican School, in Bracken county.

With amendments to the two latter bills.

And the passage of bills from the Senate, of the following titles, viz:

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act changing the terms of the Court of Appeals, and for other purposes.

An act to incorporate the College of Dental Surgeons of Kentucky.

An act to incorporate the Transylvania Institute, and for other purposes.

An act for the benefit of the estate of Franklin C. Averill.

An act for the benefit of Patsey, Jane, and Daniel Hazlewood.

An act to allow an additional Justice of the Peace to Green county.

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved Feb. 17, 1836.

An act for the benefit of the Sheriff of Marion county.

A resolution fixing a day for the election of public officers.

And their disagreement to the amendment proposed by this House to a bill from the Senate, entitled, an act to change the time of holding the Green Circuit Court.

Mr. Latimer presented the petition of sundry citizens of Boone county, praying for an additional Justice of the Peace, to reside in the town of Union, in said county.

Which was received, the reading dispensed with, and referred to the committee for Courts of Justice.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Burden—1. A bill for the benefit of the militiamen on the north side of Green river, in Butler county.

On the motion of Mr. Graham—2. A bill for the benefit of John Myers.

On the motion of Mr. Latimer—3. A bill allowing an additional Justice of the Peace to the county of Boone, to reside in the town of Francisville.

On the motion of Mr. Riffe—4. A bill to require the Register of the Land Office to register certain surveys.

On the motion of Mr. N. E. Gray—5. A bill to incorporate the Hopkinsville Coal Company.

On the motion of Mr. Morehead—6. A bill to build a bridge across main Elkhorn, where the road from Frankfort to Owenton crosses the same.

On the motion of same—7. A bill to establish an election precinct in Franklin county.

On the motion of same—8. A bill to regulate the issuing of executions from the Court of Appeals.

On the motion of Mr. Rodes—9. A bill to authorize the several turnpike road companies to have sites for toll gates condemned.

On the motion of Mr. L. B. Smith—10. A bill to appropriate the fines and forfeitures assessed in the city of Lexington to her use and benefit.

On the motion of Mr. Harris—11. A bill for the benefit of Peyton Justice.

On the motion of Mr. S. H. Anderson—12. A bill to provide for a survey of the natural resources of the State.

On the motion of Mr. Buckner—13. A bill for the benefit of Chas. Murray.

On the motion of same—14. A bill for the benefit of the heirs of Betsey Allen.

On the motion of Mr. Root—15. A bill to allow an additional Justice of the Peace to the county of Carroll.

*Ordered*, That Messrs. Burden, Taggart and McClure prepare and bring in the 1st; Messrs. Graham, Heady and Purdy the 2d; the committee for Courts of Justice the 3d, 5th and 8th; Messrs. Riffe, Coffey and McClure, the 4th; Messrs. Morehead, Lecompte and Rowlett the 6th; the committee on Propositions and Grievances the 7th; the committee on Internal Improvement the 9th and 12th; Messrs. L. B. Smith, Rodes, Clay and Marshall the 10th; Messrs. Harris, S. H. Anderson and Goble the 11th; the committee on Claims the 13th; Messrs. Buckner, Johnson, Goodson and Apperson the 14th, and Messrs. Root, Ballard and Thomas the 15th.

Mr. Burden asked leave to bring in a bill to reduce the salaries of the Circuit Judges of this Commonwealth to one thousand dollars.

And the question being taken on granting leave, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Burden and Rowlett, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | Hughes, | Rowlett, |
| Burden, | Jasper, | Sutton, |
| Coffey, | McClure, | Taggart, |
| Dohoney, | McElroy, | Thomas, |
| Dorton, | Pirtle, | Thornburg, |
| Edmonson, | Purdy, | Wade, |
| Finn, | Redd, | White, |
| Haggard, | Riffe, | Yates—26. |
| Harris, | Rowan, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goble, | Newell, |
| Messrs. Allen, | Goodson, | Newton, |
| Anderson, S. H. | Gough, | O'Bannon, |
| Andrews, | Graham, | Reeves, |
| Bailey, | Gray, B. E. | Ritter, |
| Basye, | Gray, N. E. | Rodes, |
| Blair, | Hardy, | Root, |
| Bledsoe, | Heady, | Royston, |
| Bradshaw, | Hopkins, | Rudd, |
| Brooks, | Howard, | Sharpe, |
| Browder, | Johnson, | Slaughter, |
| Buford, | Latimer, | Smith, I. |
| Butler, | Lecompte, | Smith, L. B. |
| Coleman, | McBrayer, | Sprigg, |
| Cofer, | McFall, | Swope, |
| Cornish, | Meriwether, | Trimble, |
| Daviess, | Mims, | Trumbo, |
| Fox, | Morehead, | Waddle, |
| Gano, | Morris, | Wintersmith—57. |

Mr. Riffe moved the following resolution, viz:

*Resolved*, That this House hereafter meet at half after 9 o'clock, A. M.

Which was concurred in.

Mr. Thornburg moved the following resolution, viz:

*Resolved*, That the Board of Internal Improvement inform this House, as soon as practicable, of the number of Engineers, Assistant Engineers and Resident Engineers, and all other officers and agents employed by them; together with the amount of salary paid to each, and the aggregate paid to all.

Which was concurred in.

Mr. Morehead moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the expediency of repealing all laws by which any of the Judges

of this Commonwealth receive any part of their salary from any town or city corporation. Which was concurred in.

Mr. Jasper, from the committee on Enrollments, reported that the committee had examined enrolled bills from this House, of the following titles:

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

An act for the benefit of the Madison Troop of Cavalry.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Jasper inform the Senate thereof.

Mr. Rodes moved a reconsideration of the vote rejecting the petition of Thomas Carrico, and it was decided in the affirmative.

On motion of Mr. Root—Leave was given to withdraw said petition, and the same was withdrawn.

*Ordered*, That Mr. Hardy be added to the committee on Enrollments, and Mr. Marshall be added to the committee for Courts of Justice.

A bill making an appropriation to the Anderson County Seminary—was read a second time.

*Ordered*, That said bill be engrossed and read a third time.

The House then took up for consideration, an engrossed bill to provide for the appointment of Attorneys for the Commonwealth.

Mr. Butler moved a reconsideration of the vote ordering said bill to be engrossed and read a third time.

And the question being taken thereon, it was decided in the affirmative.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed by the Governor of this Commonwealth, (by and with the advice and consent of the Senate,) a proper person, residing within the bounds of each judicial district in this Commonwealth, as an Attorney for the Commonwealth in such district, to attend the several Circuit Courts within his district, and prosecute all pleas of the Commonwealth, arising therein; and every Attorney, so appointed, shall annually receive for his services, the sum of three hundred dollars, to be paid quarterly, out of the public treasury, upon a warrant from the Auditor, as in other cases.

SEC. 2. *Be it further enacted*, That this act shall commence on the 26th of February next, and continue in force until the 1st of February, 1841.

Mr. Hopkins moved an amendment to said bill, as a substitute.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fox and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Allen,
Anderson, A.
Anderson, S. H.
Andrews,
Bailey,
Basye,
Blair,
Bledsoe,
Bradley,
Brooks,
Buford,
Burden,
Butler,
Coleman,
Cofer,
Daviess,
Dohoney,
Edmonson,
Ellison,
Gano,
Goble,
Goodson,
Gough,
Graham,
Hardy,
Heady,
Hopkins,
Howard,
Jasper,
Latimer,
Lecompte,
Marshall,
McBrayer,
McFall,
Mims,
Newton,
O'Bannon,
Purdy,
Redd,
Ritter,
Rodes,
Root,
Rowlett,
Rudd,
Slaughter,
Smith, I.
Smith, L. B.
Sprigg,
Swope,
Thomas,
Todd,
Waddle,
White,
Wintersmith,
Yates—55.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Bradshaw,
Browder,
Coffey,
Cornish,
Dorton,
Finn,
Fox,
Gray, B. E.
Gray, N. E.
Haggard,
Harris,
Hughes,
Johnson,
McClure,
McElroy,
Meriwether,
Morris,
Newell,
Pirtle,
Reeves,
Riffe,
Rowan,
Sharpe,
Sutton,
Taggart,
Thornburg,
Trimble,
Wade—29.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act prescribing the duties of the Keeper and Clerk of the Penitentiary,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

It was referred to the committee on the Penitentiary.

Mr. Blair moved to take up the resolution fixing a day for the adjournment of the Legislature.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Blair and Buford, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Gano, | O'Bannon, |
| Andrews, | Goble, | Pirtle, |
| Bailey, | Graham, | Reeves, |
| Blair, | Gray, N. E. | Riffe, |
| Bradley, | Hardy, | Ritter, |
| Brooks, | Harris, | Root, |
| Browder, | Howard, | Rowan, |
| Buford, | Hughes, | Royston, |
| Buckner, | Jasper, | Sharpe, |
| Burden, | Johnson, | Smith, I. |
| Butler, | Lecompte, | Sutton, |
| Coleman, | Marshall, | Taggart, |
| Cofer, | McClure, | Thornburg, |
| Coffey, | McElroy, | Todd, |
| Dohoney, | Meriwether, | Trumbo, |
| Dorton, | Mims, | Waddle, |
| Edmonson, | Morris, | Wade, |
| Ellison, | Newell, | White, |
| Finn, | Newton, | Wintersmith—58. |
| Fox, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Heady, | Rudd, |
| Messrs. Allen, | Hopkins, | Slaughter, |
| Bledsoe, | McBrayer, | Smith, L. B. |
| Cornish, | McFall, | Sprigg, |
| Daviess, | Morehead, | Swope, |
| Goodson, | Purdy, | Trimble, |
| Gray, B. E. | Rodes, | Yates—23. |
| Haggard, | Rowlett, | |

The question was then taken on striking out "Saturday, the 9th day of February," and decided in the affirmative.

Mr. Harris moved to insert in lieu thereof, the 20th of February.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Purdy and Riffe, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Heady, | Root, |
| Messrs. Allen, | Hopkins, | Rowlett, |
| Andrews, | Jasper, | Slaughter, |
| Basye, | Johnson, | Smith, L. B. |

| | | |
|---|---|---|
| Bledsoe, | Marshall, | Sprigg, |
| Coleman, | McBrayer, | Swope, |
| Daviess, | McFall, | Taggart, |
| Gano, | Morehead, | Thomas, |
| Goble, | Newell, | Thornburg, |
| Goodson, | Newton, | Trimble, |
| Gray, B. E. | O'Bannon, | Trumbo, |
| Gray, N. E. | Pirtle, | Wade, |
| Haggard, | Purdy, | Wintersmith, |
| Harris, | Rodes, | Yates—42. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Dorton, | Mims, |
| Bailey, | Edmonson, | Morris, |
| Blair, | Ellison, | Redd, |
| Bradley, | Finn, | Reeves, |
| Bradshaw, | Fox, | Riffe, |
| Brooks, | Graham, | Ritter, |
| Browder, | Hardy, | Rowan, |
| Buford, | Howard, | Royston, |
| Buckner, | Hughes, | Sharpe, |
| Burden, | Latimer, | Smith, I. |
| Butler, | Lecompte, | Sutton, |
| Cofer, | McClure, | Todd, |
| Coffey, | McElroy, | Waddle, |
| Cornish, | Meriwether, | White—43. |
| Dohoney, | | |

Mr. Johnson then moved to insert in lieu thereof, the 19th of February.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McElroy and Riffe, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Harris, | Rodes, |
| Messrs. Allen, | Heady, | Root, |
| Basye, | Hopkins, | Rowlett, |
| Bledsoe, | Jasper, | Slaughter, |
| Coleman, | Johnson, | Smith, L. B. |
| Daviess, | Marshall, | Sprigg, |
| Edmonson, | McBrayer, | Taggart, |
| Fox, | McFall, | Thomas, |
| Gano, | Morehead, | Thornburg, |
| Goble, | Newell, | Trimble, |
| Goodson, | Newton, | Trumbo, |
| Gray, B. E. | O'Bannon, | Waddle, |
| Gray, N. E. | Pirtle, | Wade, |
| Haggard, | Purdy, | Yates—42. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Dorton, | Morris, |
| Andrews, | Ellison, | Redd, |
| Bailey, | Finn, | Reeves, |
| Blair, | Gough, | Riffe, |
| Bradley, | Graham, | Ritter, |
| Brooks, | Hardy, | Rowan, |
| Browder, | Howard, | Royston, |
| Buford, | Hughes, | Sharpe, |
| Buckner, | Latimer, | Smith, I. |
| Burden, | Lecompte, | Sutton, |
| Butler, | McClure, | Swope, |
| Cofer, | McElroy, | Todd, |
| Coffey, | Meriwether, | White, |
| Cornish, | Mims, | Wintersmith–43. |
| Dohoney, | | |

The question was then taken on inserting the 18th day of February, and decided in the affirmative.

*Ordered*, That said resolution, as amended, be adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Dohoney—1. A bill to increase the powers of the Trustees of the town of Columbia.

By Mr. Bledsoe—2. A bill to amend and explain the execution laws of this Commonwealth.

By Mr. Burden—3. A bill to provide for the improvement of the road from the mouth of Clover to Bowlinggreen.

By Mr. Graham—4. A bill for the benefit of Harman A. Stidger, dec'd.

By Mr. Trumbo—5. A bill to incorporate the town of Wyoming, in the county of Bath.

By Mr. Allen—6. A bill to authorize the Trustees of the Brandenburg Academy to sell and convey a certain lot.

By Mr. Goodson—7. A bill to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

By Mr. Thomas—8. A bill for the benefit of John James Eubank.

By Mr. Ellison—9. A bill to change the names of Elizabeth Harris' children.

By Mr. Morehead—10. A bill to regulate the Circuit Courts in the Sixth Judicial District.

By Mr. Rodes—11. A bill to increase the pay of Patrollers in Fayette county.

By Mr. L. B. Smith—12. A bill changing the terms of the Fayette Circuit Courts.

By Mr. Harris—13. A bill for the benefit of the heirs of John Carey, dec'd.

By Mr. S. H. Anderson—14. A bill to regulate the Ninth and Twelfth Judicial Districts.

By Mr. Pirtle—15. A bill to establish a State road from the towu of Hickman, in Hickman county, to Feliciana, in Graves county.

By same—16. A bill to establish a State road from the town of Paducah to the State line, in a direction to Paris.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 4th, 5th, 6th, 7th, 9th, 11th, 12th, 13th and 15th were ordered to be engrossed and read a third time; the 2d, 8th, 10th and 14th were referred to the committee for Courts of Justice, and the 3d and 16th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 5th, 6th, 7th, 9th, 11th, 12th, 13th and 15th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Yates moved to take up a resolution, offered by him on the 23d January last, and it was decided in the affirmative.

And then the House adjourned.

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## MONDAY, FEBRUARY 4, 1839.

1. Mr. Trumbo presented the petition of sundry citizens of Bath county, praying the passage of a law allowing an additional Justice of the Peace to said county.

2. Mr. Goble presented the petition of sundry citizens of Lawsence county, praying the consolidation of two election precincts in said county.

3. Mr. Browder presented the petition of sundry citizens of Logan county, praying the passage of a law authorizing a sale of a lot of ground belonging to the Protestant Episcopal Church, in said town.

4. Mr. Butler presented the petition of Annie H. Blair, (with other documents,) praying the passage of a law authorizing a sale of certain real estate belonging to her.

5. Mr. Jasper presented the petition of John Estepp, praying the passage

of a law allowing him to retail spirits, &c., without a license from the County Court.

6. Mr. Goodson presented the petition of Maria Kelly Vance, praying a divorce from her husband, Elijah Vance.

7. Mr. Morehead presented the petition of Sabrina Matlock, praying to be divorced from her husband, John Matlock.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 3d and 4th to the committee for Courts of Justice; the 2d to the committee on Privileges and Elections; the 5th to the committee on Propositions and Grievances, and the 6th and 7th to the committee on Religion.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Ransom Laswell, and others.

An act to authorize the Clerk of the Hancock County Court to amend certain records in his office.

An act to repeal an act, entitled, an act for the benefit of Wm. M. Simmons, approved Feb. 12, 1838.

An act for the benefit of the heirs of Elijah Cummings, deceased.

An act for the divorce of Nancy A. Grant.

An act for the benefit of Eliza Jane Grider.

An act for the benefit of Mary Hughes, an infant.

An act to authorize the sale of a house and lot, belonging to the heirs of Jacob Lyon, a man of color.

An act vesting the Trustees of the towns of Lebanon and Springfield with power to cause certain streets of said town to be McAdamized or paved.

An act to establish a State road from the mouth of Salt river to Bowling-green, through Grayson county.

An act to incorporate the towns of New Haven, Hodgenville and Big Spring.

An act to enlarge the powers of the Trustees of the town of Brandenburg.

With amendments to the four last named bills.

And had passed bills from the Senate, of the following titles, viz:

An act to amend an act to establish a system of common schools in the State of Kentucky.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act to authorize a survey of a road from Hartford to Russellville.

An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester turnpike road.

An act to change the name ef Mary Roberts to Mary Clifton.

An act for the benefit of Mary McBrayer and her children.

An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their Trustees, and for other purposes—approved Feb. 9, 1837.

An act to close up part of a certain street in the town of Cadiz.

An act to divorce Jeremiah Delph.

Mr. Bledsoe moved that the leave heretofore granted to bring in a bill to lessen the Tenth Judicial District in this Commonwealth, be referred to the committee for Courts of Justice.

*Ordered*, That the joint resolution offered by Mr. Yates, on the 23d January, be referred to the committee on Internal Improvement.

On motion of Mr. Bradley—Leave was given to withdraw the petition of sundry citizens of Hopkins county, praying for a new county out of parts of Hopkins, Union, Livingston and Caldwell—and they were withdrawn.

Mr. Browder moved to reconsider the vote rejecting the petition of Sandy H. Aldridge, and it was decided in the affirmative.

*Ordered*, That said petition be referred to the committee on Claims.

*Resolved*, That this House insist on their amendment to a bill from the Senate, entitled, an act to change the time of holding the Green Circuit Court; and that a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, on the disagreement of the two Houses in relation to said amendment.

Whereupon, Messrs. Buckner, A. Anderson and S. H. Anderson were appointed said committee.

*Ordered*, That the resolutions offered by Mr. McClure, in relation to the expenditure of money heretofore appropriated to the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the State line in a direction to Knoxville, be referred to the committee on Internal Improvement.

Mr. Wintersmith moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement inquire into the expediency of advancing a part of the subscription for stock made by the Board of Internal Improvement, on account of stock subscribed by the County Court of Hardin county, to the Louisville and Elizabethtown Turnpike Company, and report by bill or otherwise.

Which being twice read, was concurred in.

Mr. Wintersmith moved the following resolution, viz:

*Resolved*, That Dr. R. H. Colyer have the use of this Hall, to deliver a Lecture on Phrenology, this evening—which was concurred in.

Mr. Bradley moved the following resolution, viz:

*Resolved*, That the Board of Internal Improvement be instructed to inform this House, whether or not a survey of Tradewater river has been made; and if so, that they report the same to this House at as early a day as practicable.

Which being twice read, was adopted.

Mr. O'Bannon moved the following resolution, viz:

*Resolved*, That the Board of Internal Improvement be, and they are here-

by, directed to report to this House, the names of all the contractors who contracted with the Commonwealth of Kentucky, for the building of locks and dams on Barren, Kentucky, Green, and Licking rivers, who have forfeited their contract; and the amount of money paid said contractors before their forfeiture, and to whom they have been re-let; also, a copy of their contracts.

Which being twice read, was adopted.

Bills from the Senate, of the following titles, viz:

An act for the benefit of the Lexington and Ohio Railroad Company.

An act for the divorce of Jeremiah Delph,

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with,

The 1st was referred to the committee on Internal Improvement, and the 2d to the committee on Religion.

An engrossed bill, entitled, an act to incorporate the Munfordsville Bridge Company, was read the third time.

The said bill was then amended, by engrossed ryder.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Bailey moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire what amount of stock has been subscribed by individuals, to construct a turnpike road from Munfordsville to Bell's tavern; and also what amount of stock has been subscribed and taken by the State in said road.

*Resolved, further*, That said committee also inquire what portion of said road has been put under contract; who are the contractors on said road, and whether said contractors, or any one of them, have been induced to subscribe ten per cent. upon the amount of their contracts; and if so, what arrangement has been made with said contractors, or any one of them, since the making of said contracts; and that said committee report to this House the result of their investigations.

Which being twice read, was adopted.

An engrossed bill, entitled, an act to incorporate the Paris Fire, Life, and Marine Insurance Company—was read the third time.

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

A bill for the benefit of Miranda S. E. M. Motley, was read a second time.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Howard moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the propriety and expediency of making an appropriation to improve the stage road from Glasgow to the Tennessee line, by the way of Tompkinsville. Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. I. Smith—1. A bill for the benefit of Jno. D. Blackford.

On motion of Mr. O'Bannon—2. A bill to reduce the compensation allowed to commissioners of tax.

On motion of Mr. Meriwether—3. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

On motion of Mr. Butler—4. A bill for the benefit of the Orphans of Louisville.

On motion of Mr. Dorton—5. A bill to improve the road from James Pogue's, in Knox county, to Manchester, in Clay county; and from Flat Lick, by way of Wilson and Quarrier furnaces, to Hugh White's.

On motion of Mr. Browder—6. A bill to amend the road law in the county of Logan, and for other purposes.

On motion of Mr. Waddle—7. A bill to amend the law in relation to the public highway in Mason county.

On motion of Mr. Purdy—8. A bill for the benefit of Susan Ann Ray.

On motion of Mr. Gough—9. A bill for the benefit of the mechanics of this Commonwealth.

On motion of Mr. Fox—10. A bill to amend the charter of the town of Richmond.

On motion of Mr. Swope—11. A bill to incorporate the Falmouth and Moscow Turnpike Road Company.

On motion of same—12. A bill to amend the charter of the Covington Insurance Company.

On motion of Mr. Buford—13. A bill to permit Dr. Wm. Read to build a mill dam across Collins' Fork, in the county of Knox, at or near the mouth of Disappointment.

On motion of same—14. A bill to change the place of voting in the Scaffle Cane precinct, in Rockcastle county.

On motion of Mr. McClure—15. A bill to allow Berryman H. Flowers to erect one gate across the road leading from Columbia to John Grider's ferry.

On motion of Mr. Sprigg—16. A bill to regulate the tolls of turnpike roads.

On motion of Mr. McElroy—17. A bill for the benefit of Wm. Sugg.

On motion of same—18. A bill for the benefit of James W. Finnie, and others.

On motion of same—19. A bill to amend the charter of the town of Caseyville, in Union county.

On motion of Mr. Todd—20. A bill for the benefit of the heirs of Wm. Meredith, dec'd.

On motion of same—21. A bill to incorporate the Bowlinggreen Fire and Insurance Company.

On motion of Mr. Coffey—22. A bill to amend the processioning law, &c.

The committee on Claims were appointed to prepare and bring in the 1st; Messrs. O'Bannon, Thomas, Swope and Goodson the 2d; the committee on Internal Improvement the 3d, 5th, 11th, 13th and 16th; Messrs. Butler, Field, Pope and Meriwether the 4th; Messrs. Browder, B. E. Gray and Goodson the 6th; Messrs. Waddle, McClung and Brooks the 7th; the committee for Courts of Justice the 8th, 9th, 10th, 12th, 15th, 17th, 19th, 20th, 21st and 22d; Messrs. Buford, White, Morris and Dorton the 14th; and the committee on Military Affairs the 18th.

A message was received from the Senate, by Mr. Willis, announcing that they insist on their disagreement to the amendment proposed by this House to a bill from the Senate, entitled, an act to change the time of holding the Green Circuit Court; and that they had appointed a committee of conference on their part, to meet the committee on the part of this House.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Clerks of the Henderson, Barren, Simpson and Union Circuit and County County Courts—reported the same with amendments.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hughes, from the select committee to whom was referred a bill to incorporate the Livingston Coal Mining Company—reported the same with an amendment as a substitute for the bill, which was concurred in.

The said bill being further amended,

*Ordered*, That the same be engrossed, and read a third time, as amended.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon, by Messrs. Burden and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gray, N. E. | Redd, |
| Messrs. Allen, | Haggard, | Reeves, |
| Bailey, | Harris, | Ritter, |
| Ballard, | Heady, | Root, |
| Bledsoe, | Hughes, | Rowan, |
| Bradshaw, | Jasper, | Royston, |
| Browder, | Johnson, | Slaughter, |
| Buford, | McBrayer, | Smith, I. |
| Butler, | McElroy, | Smith, L. B. |
| Cornish, | McFall, | Swope, |

| | | |
|---|---|---|
| Daviess, | Meriwether, | Thomas, |
| Dorton, | Mims, | Thornburg, |
| Edmonson, | Morehead, | Waddle, |
| Fox, | Morris, | White, |
| Goble, | Pirtle, | Wintersmith, |
| Goodson, | Purdy, | Yates—49. |
| Gray, B. E. | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Dohoney, | Marshall, |
| Andrews, | Ellison, | McClure, |
| Blair, | Finn, | Newell, |
| Bradley, | Gough, | O'Bannon, |
| Brooks, | Graham, | Rowlett, |
| Buckner, | Hardy, | Sharpe, |
| Burden, | Hopkins, | Sutton, |
| Coleman, | Howard, | Taggart, |
| Cofer, | Lecompte, | Wade—28. |
| Coffey, | | |

Mr. Swope, from the select committee, to whom was referred a bill to increase the capital stock of the Falmouth Bridge Company—reported the same without amendment.

*Ordered*, That said bill be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McClure, from the select committee to whom was referred a bill to add a part of Pulaski to Russell county—reported the same without amendment.

The said bill was then, on motion of Mr. Jasper, amended by a substitute therefor.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Edmonson—1. A bill to declare Nolin a navigable stream to Combs' mill.

By Mr. Meriwether—2. A bill authorizing a condemnation of land for toll gates.

By Mr. Goble—3. A bill to legalize certain proceedings of the Morgan County Court.

By same—4. A bill to open a State road from the Owingsville and Big Sandy road, on Triplett, in Fleming county, to Louisa, in Lawrence county, so as to intersect the Virginia State road at that point.

By the committee for Courts of Justice—5. A bill for the divorce of Sarah McGinnis.

By Mr. Cornish—6. A bill to establish a road from Harrodsburg, in Mercer county, to Delaney's old road, in Anderson county.

By Mr. Purdy—7. A bill to amend the several acts establishing a road from Taylorsville to Jeffersontown.

By Mr. Slaughter—8. A bill to improve the navigation of the Beech and Rolling Forks.

By Mr. Rowlett—9. A bill for an appropriation to erect a bridge across main Eagle creek, on the main road from Lexington, Kentucky, to Indianapolis, in Indiana.

By Mr. Swope—10. A bill to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

By same—11. A bill to establish the town of Brooksville, in Bracken county.

By same—12. A bill to allow an additional Justice of the Peace to Carroll county.

By same—13. A bill to open a State road from Colemansville, in Harrison county, to Covington, in Pendleton county.

By Mr. McClure—14. A bill to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky, approved February 16, 1838.

By Mr. Sprigg—15. A bill to amend an act, entitled, an act to provide a Sinking Fund, approved Feb. 29, 1836.

By Mr. Heady—16. A bill for the benefit of John Myers.

By Mr. Coffey—17. A bill to require the Register to register certain surveys, and requiring the appointment of a Treasurer for the School Fund in Wayne county.

By the committee for Courts of Justice—18. A bill for the relief of the widow and heirs of Robert S. Samuels, dec'd.

By the committee on Religion—19. A bill for the divorce of Jas. Helton.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 5th, 6th, 7th, 10th, 11th, 12th, 18th and 19th were ordered to be engrossed and read a third time; the 2d, 4th, 8th, 9th and 13th were refer-

red to the committee on Internal Improvement; the 3d and 16th to the committee for Courts of Justice; the 14th and 17th to the committee on Education, and the 15th was postponed to and made the special order of the day for the 6th inst.

The rule of the House, constitutional provision and third readings of the 1st, 5th, 6th, 7th, 10th, 11th, 12th, 18th and 19th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. I. Smith moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to inquire into the propriety and expediency of so amending the law in relation to rents, as to give the owners of land a lien on the products of the farm rented, for the purpose of securing the payment of the rent, whether the rent be payable in money or produce; and that they report by bill or otherwise.

Which being twice read, was concurred in.

Mr. Finn asked leave to bring in a bill to reduce the salaries of the Circuit Judges of this Commonwealth to twelve hundred and fifty dollars, and to equalize the same.

And the question being taken on granting leave, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowlett and Taggart, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Gray, B. E. | Riffe, |
| Ballard, | Haggard, | Rowan, |
| Blair, | Hardy, | Rowlett, |
| Bradley, | Heady, | Royston, |
| Browder, | Howard, | Smith, I. |
| Burden, | Hughes, | Sutton, |
| Cofer, | Jasper, | Swope, |
| Coffey, | Johnson, | Taggart, |
| Dohoney, | McClure, | Thomas, |
| Dorton, | McElroy, | Thornburg, |
| Edmonson, | Mims, | Todd, |
| Ellison, | Newell, | Wade, |
| Finn, | O'Bannon, | White, |
| Fox, | Pirtle, | Wintersmith, |
| Goodson, | Purdy, | Yates—47. |
| Graham, | Redd, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Morehead, |
| Messrs. Allen, | Gano, | Newton, |

| | | |
|---|---|---|
| Anderson, S. H. | Goble, | Reeves, |
| Andrews, | Gough, | Ritter, |
| Bailey, | Gray, N. E. | Root, |
| Bledsoe, | Hopkins, | Sharpe, |
| Bradshaw, | Latimer, | Slaughter, |
| Brooks, | Lecompte, | Smith, L. B. |
| Buford, | Marshall, | Sprigg, |
| Butler, | McBrayer, | Trimble, |
| Coleman, | McFall, | Tumbo, |
| Cornish, | Meriwether, | Waddle—36. |

*Ordered*, That Messrs. Finn, Taggart, Dohoney, Coffey and A. Anderson prepare and bring in the same.

The joint resolutions offered by Mr. Trimble, to provide for the survey of a route for a railroad from Lexington to the mouth of Big Sandy,

Were taken up, twice read, and adopted.

Mr. A. Anderson, from the select committee who were appointed to prepare and bring in a bill for the apprehension and detention of persons who have committed offences in other States, and have fled to this—reported the same.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was then taken on ordering said bill to be engrossed and read a third time, and decided in the negative.

And so the said bill was rejected.

And then the House adjourned.

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## TUESDAY, FEBRUARY 5, 1839.

1. Mr. B. E. Gray presented the petition of James Lynn, jr., praying a change of venue in the prosecution pending against him in the Hopkins Circuit Court.

2. Mr. Cofer presented the petition of sundry citizens of Hardin county, praying the removal of a toll gate in said county.

3. Mr. Bradley presented the petition of sundry citizens of Hopkins county, praying the passage of a law allowing an anditional Constable to said county.

4. Mr. McClure presented the petition of Levisa Bradley, praying for a divorce from her husband, Claiborne Bradley.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 3d to the committee for Courts of Justice; the 2d to the committee on Internal Improvement, and the 4th to the committee on Religion.

Mr. Hardy, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Wm. P. Neale and others.

An act for the benefit of Abraham Kightly.

An act for the benefit of Andrew Orr and Caroline Orr.

An act to repeal all laws declaring Little river a navigable stream above Alexander's Ford, and for other purposes.

An act for the benefit of Charles S. Gatewood, and others.

An act to extend the Constable's district in the town of Salvisa, in the county of Mercer.

An act to allow an additional Justice of the Peace for Nelson county.

An act for the benefit of Elisha C. Hampton.

An act to repeal the law authorizing the County Court of Hardin to sell the poor house lands.

An act to change the name of Jane Wright to that of Jane Dodd.

An act for the benefit of the estate of Lewis Fible.

An act to establish the town of Frederick, in Barren county.

An act to incorporate the Bank Lick Turnpike Road Company.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the State line, in a direction to Knoxville.

An act authorizing a survey of the road leading over Mount Scratchem and Old Landing Hills, in Estill county.

An act for the benefit of the heirs of Elijah Cummings, deceased.

An act for the benefit of Ransom Laswell, and others.

An act to authorize a sale of a house and lot belonning to the heirs of Jacob Lyon, dec'd., a man of color.

An act for the benefit of Mary Hughes, an infant.

An act for the divorce of Nancy A. Grant.

An act for the benefit of Eliza Jane Grider.

An act to authorize the Clerk of the Hancock county court to amend certain records in his office.

An act to repeal act, entitled, an act for the benefit of Wm. M. Simmons—approved Feb. 12, 1838.

An act to repeal the 4th section of an act, entitled, an act to establish a

State road from Flynn's old ferry across the Ohio river, in Livingston county, to Princeton, in Caldwell county, and for other purposes—approved 25th February, 1836.

An act for the divorce of Lucy Graves.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

Mr. Reeves asked leave to withdraw the petition of Miranda S. E. M. Motley, and it was granted, and the same withdrawn.

Mr. Ellison moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inouire into the propriety of changing an appropriation heretofore made to the Cumberland river below the Big South Fork, so as to authorize the counties bordering on said river to apply the same to the building of bridges and repairing the roads in such counties.

Which being twice read, was rejected.

Mr. Cofer moved a reconsideration of the vote by which the House refused to order to a third reading, a bill for the apprehension and detention of persons who have committed offences in other States, and fled to this.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. A. Anderson,

*Ordered*, That said bill be laid on the table for the present.

The House then resumed the consideration of the bill to reduce the salaries of certain officers of this Commonwealth.

Mr. Wade offered an amendment to the amendment proposed by the committee on Internal Improvement, and after some discussion had thereon,

Mr. Hardy moved that said bill and amendments be referred to a select committee of five members.

And the question being taken thereon, it was decided in the affirmative.

The Speaker laid before the House, the report of the Board of Internal Improvement, in response to a resolution adopted by this House on the 2d instant, which is as follows, viz:

OFFICE OF BOARD OF INTERNAL IMPROVEMENT,
*Frankfort, February 4th*, 1839.

SIR:

In answer to a resolution of the House of Representatives of the 2d inst., requiring the Board "of Internal Improvement to inform the House, as soon as practicable, of the number of Engineers, assistant Engineers and resident Engineers, and all other officers and agents employed by them, together with the amount of salary paid to each, and the aggregate amount paid to all," I have the honor to submit the following statement:

The Engineers, officers, &c., employed by the Board are—

| | | |
|---|---|---|
| Austin P. Cox, Secretary, salary, per annum, - - - | | $1,000 |

RESIDENT ENGINEERS.

| | | |
|---|---|---|
| M. R. Stealey, salary, per annum, - - - | $3,000 | |
| Alonzo Livermore, salary, per annum, - - - | 3,000 | |
| N. B. Buford, salary, per annum, - - - - | 2,500 | |
| W. B. Foster, Jr., salary, per annum, - - - | 2,500 | |
| Antes Snyder, salary, per annum, - - - - | 2,500 | |
| H. J. Eastin, salary, per annum, - - - - | 1,600 | |

ASSISTANT ENGINEERS.

| | | |
|---|---|---|
| George R. Eichbaum, salary, per annum, - - | 1,300 | |
| William Moore, salary, per annum, - - - | 1,300 | |
| David Mitchell, Jr., salary, per annum, - - | 1,200 | |
| Charles F. Taylor, salary, per annum, - - - | 800 | |
| | | $19,700 |
| John Hulme, superintendent of hydraulic lime manufactory, at Louisville, salary, per annun, - - - - - | | 1,000 |

James H. Garrard and Dougherty White, superintendents of the Goose creek and South Fork of Kentucky river improvements—the only compensation claimed by them is the payment of their expenses while employed in discharge of the duties connected with their appointment.

Joseph Allen, of Breckinridge county, John Sterrett, of Hancock, county, William R. Griffith, of Daviess county, William Rankin, of Henderson county, and George Blakemore, of Union county, superintendents of the State and stage road from the mouth of Salt river to Shawneetown, where it passes through the counties in which they severally reside; to which road appropriations were made by the Board, in pursuance of the provisions of the General Internal Improvement act of 1836–'7. No compensation has been claimed by either of them, and it is supposed that they will only ask the payment of their necessary expenses while engaged in the duties of their several appointments.

Joseph Allen, and others, of Breckinridge county, have also been appointed, recently, to disburse an appropriation made to the above road by the General Internal Improvement act of 1837–'8.

William R. Griffith, of Daviess county, has also been appointed, recently, to dispurse one half of the appropriation made to Panther creek by the General Internal Improvement act of 1836–'7, viz: $1,250 upon some roads in said county; a discretion having been given to the Board to divert it from the creek to the roads, by the before recited act, should they deem the improvement of the road of sufficient public utility to justify the expenditure.

John W. Powell, superintendent of the improvements upon Muddy river, salary two dollars per day, while employed—amount paid him the past year, $150.

There is a superintendent employed at each of the locks upon the Kentucky river, and at each of the locks now building upon Green and Barren

rivers, (the latter are employed by, and are under the superintendence of the Green and Barren river Commissioners.) The names of those upon the Kentucky river navigation are,

| | | |
|---|---|---|
| George Stealey, Lock No. 1, | compensation | $60 per month. |
| James S. Evans, Lock No. 2, | compensation | 60 per month. |
| H. McLaughlin, Lock No. 3, | compensation | 60 per month. |
| S. H. Moone, Lock No. 4, | compensation | 60 per month. |
| Matthew Skelton, do. No. 5, | compensation | 60 per month. |

These superintendents are paid out of the funds appropriated to pay for the construction of the locks. The aggregate amount paid them in one year, is $3,600.

The expenses of superintendence of work done for the improvement of streams for descending navigation, as Goose creek, Muddy river, &c., are paid out of the funds appropriated to pay the expenses of such improvements. No account of personal expenses has been rendered by the superintendents upon Goose creek and South Fork, for the last year.

In making surveys, there are employed as surveyors, rodmen, chainmen, &c., as many persons as are necessary to prosecute or carry on the surveys, and they are discharged as soon as the survey is finished, or as soon as the services of each individual connected with the survey can be dispensed with. There is no person now employed in the service of the Board as surveyor, rodmen, &c., &c.

Superintendents were employed by a member of the Board, during a part of the last summer, to carry on the improvements upon upper Barren and Drake's creek, but these have been finished and the superintendents discharged.

Aggregate compensation of persons now in the employment of the Board for the last year.

| | |
|---|---|
| Secretary of the Board, - - - - - - - - | $1,000 |
| Resident and Assistant Engineers, - - - - - | 19,700 |
| Superintendent of hydraulic lime mill, - - - - - | 1,000 |
| Superintendents of construction of Kentucky river Locks, - | 3,600 |
| Superintendents of Goose creek, South Fork of Kentucky river, Muddy river and the roads in Breckinridge, Hancock, Daviess, Henderson and Union counties—amount paid according to account rendered, - - - - | 150 |
| | $25,450 |

Very Respectfully,

AUSTIN P. COX,
*Secretary Board In't. Imp't.*

*To the Hon.* R. P. LETCHER,
*Speaker of the House of Representatives.*

The Speaker also laid before the House, the report of the Engineer on Tradewater river, which is as follows, viz:

OFFICE OF BOARD OF INTERNAL IMPROVEMENT,
*Frankfort, 5th February*, 1839.

I have the honor to transmit, herewith, the report of George R. Eichbaum, assistant Engineer of a reconnoissance of Tradewater river, called for by a resolution of the House of Representatives of yesterday.

Very respectfully,
Your most obedient servant,
AUSTIN P. COX,
*Secretary Board of In't. Imp.*

HON. R. P. LETCHER,
*Speaker of the House of Representatives.*

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FRANKFORT, KENTUCKY,
*February* 4, 1839.

SIR:

Agreeably to your directions, I have made a reconnoissance of Tradewate river, from its mouth up to the point opposite Wilson's warehouse, 3 miles above the mouth of Donanldson's Fork, and respectfully submit the following report:

The distance from Wilson's warehouse to the mouth of Tradewater, is, by the course of the stream, about 83 miles. There are, in some places, cut-offs partly formed, which, if completed, would shorten the distance somewhat. Tradewater flows through a valley which is generally from 1 to 2½ miles wide; in a few places the width is reduced to about ¼ mile. From the mouth up to Montezuma, a distance of 38 miles, the surface of the river bottoms or flats, is generally from 25 to 50 feet above the bed of the stream. This part of the river consists of pools, formed by ripples or shoals; some of which are composed of solid rock, (sandstone,) and others of loose rock and gravel. The average width of this part of the river is about 130 feet. The total fall from Montezuma to the mouth, was ascertained by reference to marks of the backwater from the Ohio river, made during the freshet of 1832, to b e 31 feet. The fall at the shoals varies from about 3 inches to about 20 inches. The ripple opposite Clement's steam saw mill, ¼ mile above the mouth, has a fall, at low water, of about 3 feet, but during the boating season this is distroyed by backwater from the Ohio.

The principal streams emptying into Tradewater, below Montezuma, are Cypress and Crab Orchard, (or North Fork,) creeks on the east side, and Piney creek, on the west side.

From Montezuma to the point opposite Wilson's warehouse, the distance is about 45 miles. The general width of this part of the river is about 100 feet. The river bottoms are much lower than those between Montezuma and the mouth; the height varying from 12 to 20 feet. There are some ripples of from 6 to 12 inches fall; they are generally composed of gravel. I would suppose that the fall, per mile, of this part of the river, is about the

same as that between Montezuma and the mouth. The principal streams emptying into Tradewater above Montezuma, are Clear creek, on the east side, and Donaldson's fork, on the west side; between Montezuma and Wilson's warehouse, the river is more crooked than it is below Montezuma.

There is a saw and grist mill at Montezuma, owned by Mr. Imboden. The dam is 7½ feet high and 100 feet long—the dam has been standing many years. Messrs. Moore & Co. have a saw mill near Belleville, which is about 12 miles, by water, above Mr. Imboden's mill. This dam is about 9 feet high from low water, and has been recently repaired. To enable boats and rafts to pass these dams safely, a freshet of about 12 feet is necessary. If the dams were not in the way, boats and rafts could start from above with a freshet of about 8 feet. I was informed that but very few boats start from above the dams, but that much timber is sent from above Clear creek. The minimum quantity of water furnished by the river could not be ascertained, as the river was swollen a few inches during the time of the examination. From the information, I obtained I presume that there would not be enough water, at all times, for slackwater navigation; but that there would probably be enough during the greater part of the year to supply locks of a size suitabe for the class of boats which navigate Tradewater.

Sandstone forms the bluff at the mouth of the river, and is found on both sides of the river as far up as I went.

Coal is found on both sides of the river, in the hills; the veins are from 1 to 4 feet thick. One vein has been opened and worked to some extent.

Iron ore exists in great abundance on the east side of Tradewater, between Wilson's warehouse and Madisonville, and also on the west side, near Piney creek, it is found.

Poplar and white oak timber, of large size, is abundant upon the river bottoms.

The present exports from the country bordering upon Tradewater, consist principally of tobacco, pork, lumber and staves. The greater part of the tobacco and pork is taken by land to Henderson, Eddyville and Caseyville to be shipped. I was informed that about 12 flatboats, ladened with produce, will be sent out during the coming spring.

I could not ascertain accurately the value of the articles sent, annually, from Tradewater; it is inconsiderable at present, but must increase so soon as the obstructions to descending navigation are removed. The obstauctions consist of timber upon the banks, leaning trees, snags, drift and rocks in the channel. Some years since, commissioners, appointed for that purpose, had many of the leaning trees cut down. They were generally cut-off at a height of 1½ to 2½ feet from the ground, so that the stumps are now dangerous obstructions, and should be removed. The quantity of products sent from this river will probably be so much increased in a few years, that it will then be necessary to remove the dams above mentioned. The following is an estimate of the probable cost of cleaning the banks to a height of about 10 feet above the surface of low water, also of removing all other trees overhanging the channel, so that they obstruct the passage of boats, and of removing stumps, snags, drift and rocks from the channel:

| | |
|---|---|
| Clearing the banks and removing overhanging trees, stumps, snags and drift, between the mouth of Tradewater and the point opposite Wilson's warehouse, 83 miles, at $60 per mile, | $4,980 00 |
| Blasting and removing 8 cubic yards rock, below North Fork, at $1 per yard, | 8 00 |
| Blasting and removing 10 cubic yards rock, near Porter's landing, at $1 per yard, | 10 00 |
| Blasting and removing 160 cubic yards rock, below Simpson's warehouse, at $1 per yard, | 160 00 |
| Blasting and removing 30 cubic yards rock, below Smith's fish trap, at $1 per yard, | 30 00 |
| Blasting and removing 80 cubic yards rock, ¼ mile above Wilson's warehouse, at $1 per yard, | 80 00 |
| Total cost, | $5,268 00 |

I am, sir, very respectfully,
Your obedient servant,
GEO. R. EICHBAUM,
*Assistant Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

*Ordered*, That said report be referred to the committee on Internal Improvement, and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

A message was received from the Senate, announcing that they had concurred in the amendment proposed by this House to a bill from the Senate, entitled,

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

And their disagreement to a bill from this House, entitled,

An act to locate and establish a road from the mouth of Laurel to Daniel Bates' furnace, in Clay county.

And the passage of bills from this House, of the following titles, viz:

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

An act for the benefit of the widow and heirs of Michael Chism.

An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies within the county of Todd.

An act to provide for the permanent investment and application of the Craddock fund.

An act for the benefit of the infant heirs of Sam'l Pottinger, dec'd.

An act to establish the county of Breathitt.

With amendments to the two latter bills.

And the passage of a bill from the Senate, entitled,

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred resolutions in relation to the propriety of locking and daming the Cumberland river, at the Falls, and of connecting the waters of the Cumberland and Kentucky, by canal, reported the same with the following resolution, viz:

*Resolved*, That it is inexpedient to legislate on that subject.

Which was concurred in.

Mr. S. H. Anderson, from the same committee, to whom was referred a resolution directing them to inquire into the propriety of appropriating a sum of money to improve the Salt river Hill, and Pond Run Valley—asked leave to be discharged from the further consideration thereof.

Mr. Heady moved that said committee be instructed to report a bill in pursuance of said resolution.

And the question being taken thereon, it was decided in the affirmative.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill further to provide for the internal improvement of the State—reported the same with amendments, which were concurred in.

*Ordered*, That the Public Printer print 150 copies of the said bill for the use of the members of this House.

Mr. S. H. Anderson, from the same committee, who were appointed to prepare and bring in the same—reported a bill for the benefit of Ambrose Wickersham.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. O'Bannon and Ritter, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Newton, |
| Messrs. Anderson, A. | Gano, | Pirtle, |
| Anderson, S. H. | Goble, | Reeves, |
| Bailey, | Goodson, | Ritter, |
| Basye, | Gray, B. E. | Rodes, |
| Bledsoe, | Gray, N. E. | Root, |
| Bodine, | Haggard, | Rowlett, |
| Bradley, | Harris, | Royston, |
| Bradshaw, | Heady, | Shanklin, |
| Brooks, | Johnson, | Slaughter, |
| Browder, | Latimer, | Smith, I. |

| | | |
|---|---|---|
| Buford, | Lecompte, | Smith, L. B. |
| Butler, | Marshall, | Swope, |
| Clay, | McBrayer, | Taggart, |
| Cornish, | McFall, | Thomas, |
| Daviess, | Morehead, | Trumbo, |
| Dohoney, | Morris, | Yates—56. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Howard, | Purdy, |
| Andrews, | Hughes, | Redd, |
| Burden, | Jasper, | Riffe, |
| Cofer, | McClung, | Rowan, |
| Coffey, | McClure, | Rudd, |
| Dorton, | McElroy, | Sutton, |
| Ellison, | Mims, | Waddle, |
| Gough, | Newell, | Wade, |
| Graham, | O'Bannon, | White—28. |
| Hopkins, | | |

Mr. Rodes, from the committee on Religion, who were appointed to prepare and bring in the same—reported a bill for the divorce of Wm. Matthews.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

On motion of Mr. Edmonson,

*Ordered*, That said bill be laid on the table until the first day of June next.

Mr. Browder, from the same committee, to whom was referred the petition of S. D. Baird; of Wm. Gambriel; of Nancy Haddox; of James S. Carter; of Joshua Crouch; of Thomas S. Pulliam, each praying for a divorce—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected—which was concurred in.

Mr. Browder, from the same committee, to whom was referred the petition of Mary A. Sammons—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. Browder moved to amend said resolution, by striking out the words 'be rejected," and inserting the words "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

*Ordered*, That said committee prepare and bring in a bill in pursuance of said petition.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill to authorize the establishment of roads to coal and iron banks.

By same—2. A bill to incorporate the Hickman Turnpike Road Company.
By the committee on Religion—3. A bill for the divorce of Hugh Lane.
By same—4. A bill to divorce Eliza H. Bush.
By same—5. A bill for the divorce of Washington Sherer.
By same—6. A bill for the divorce of Margaret M. Pulliam.
By same—7. A bill for the divorce of Nancy T. Sanders.
By same—8. A bill for the divorce of Joseph Shropshire.
By same—9. A bill for the divorce of Matilda Jones.
By same—10. A bill for the divorce of John M. Emerson, jr.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

The House then adjourned.

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## WEDNESDAY, FEBRUARY 6, 1839.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to a bill from that, entitled,

An act for the benefit of Anderson Dunn and Isaac Hemingway.

With an amendment to the amendment.

And had passed bills from this House, of the following titles, viz:

An act to authorize the Trustees of the Brandenburg Academy to sell and convey a certain lot.

An act for the benefit of James W. Bowers, Jailor of Campbell county.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act for the benefit of the heirs and representatives of Robert Brenham and John Samuel.

An act for the benefit of Wm. Herd.

An act for the benefit of Volney E. Bragg, late Deputy Sheriff of Lewis county.

With an amendment to the last bill.

1. Mr. Gough presented the petition of N. D. Anderson, praying the passage of a law for the protection of persons living on navigable streams from the impositions of officers of steamboats.

2. Mr. Ballard presented the petition of the guardian of the heirs of Reu-

ben Sallinger, dec'd., praying the passage of a law authorizing a sale of the real estate of said deceased, descended.

3. Mr. Pirtle presented the petition of Jonathan Wyatt, and others, praying the passage of a law authorizing the issuing of a patent to said Wyatt for certain lands.

4. Also, the petition of Henry Scofield, and others, praying an appropriation for loss sustained by said Scofield, by reason of the destruction of his house by a tornado.

5. Mr. Hughes presented the petition of sundry citizens of Livingston county, praying a division of said county.

6. Mr. Bledsoe presented the petition of Rebecca Hutcheson, praying to be divorced from her husband, Alexander Hutcheson.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee for Courts of Justice; the 3d to Messrs. Pirtle, McFall, Apperson and Andrews; the 4th to Messrs. Pirtle, Wade, L. B. Smith and Edmonson; the 5th to the committee on Propositions and Grievances, and the 6th to the committee on Religion.

The Speaker appointed Messrs. Hardy, S. H. Anderson, Lecompte, Meriwether and Rowlett, the committee of five, on the bill to reduce the salaries of certain officers in this Commonwealth.

Mr. Hardy, from the joint committee on Enrollments, reported that the commitee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the estate of Leonard Hamilton, dec'd.

An act further regulating the duties of Clerks of Circuit Courts.

An act for the benefit of George H. Clements and others.

An act to amend the charter of the city of Maysville.

An act to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

An act to establish the town of Lovelaceville, in the county of McCracken.

An act the better and more effectually to protect the rights of reversionary legatees.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson,

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county—approved January 27, 1838.

An act providing for a change of venue from the Greenup Circuit Court to Morgan Circuit Court, in the case of John C. Ball, and others.

An act for the benefit of the estate of Guthrie Morris.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act to amend an act to provide against compounding penal prosecutions, approved Feb. 3, 1837.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, dec'd., approved Feb. 16, 1838.

An act to amend an act incoroporating the stockholders of the Merchants' Louisville Insurance Company.

An act to repeal the 10th section of an act to incorporate a fire company in the town of Cynthiana, and for other purposes—approved January 27th, 1838.

An act to provide for re-binding certain record books of the Shelby County Court.

An act for the benefit of the heirs of Francis Blaydes, dec'd.

And an act for the benefit of Joseph Dawson.

An act for the benefit of the heirs of Ruth and Polly Pointer.

An act for the benefit of Edward McCoy and Wm. Crabtree.

An act for the benefit of Margaret B. White.

An act to incorporate the Louisville Law Library Company.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

Mr. Apperson, from the committee on the Penitentiary, made the following report:

[*For this report—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 150 copies of said report, and such accompanying documents as the committee may designate.

The amendments proposed by the Senate to a bill from this House, entitled, an act to establish the county of Breathitt,

Were taken up, twice read, and concurred in.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act to divorce Jeremiah Delph—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Johnson, from the committee on Education, to whom was referred a bill from the Senate, entitled,

An act authorizing a fund to be raised by lottery, for the endowment of a Male and Female Academy in the town of Paducah, and for other purposes—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills from the Senate of the following titles, viz:

An act for the relief of the Sheriff of Logan county.

An act to authorize the city of Lexington to borrow money for certain purposes.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties—reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of the Sheriff of Livingston county.

A bill for the benefit of Wm. Vice—reported the same, with an amendment to each, which was concurred in.

*Ordered*, That said bills be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of Thomas Smith, of Lexington.

An act for the benefit of John Hollingsworth,

Reported the same without amendment.

And the question being taken on ordering said bills to be read a third time, it was decided in the negative.

And so the said bills were disagreed to.

Mr. Meriwether, from the same committee, to whom was referred a bill to amend the revenue laws—reported the same without amendment.

Mr. Bledsoe moved an amendment to said bill, as a substitute.

Mr. McClung then moved to lay said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. N. E. Gray and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goodson, | Purdy, |
| Andrews, | Hardy, | Ritter, |
| Bailey, | Harris, | Rowan, |
| Blair, | Howard, | Rudd, |
| Bradley, | Jasper, | Slaughter, |
| Buford, | Latimer, | Sprigg, |
| Burden, | Lecompte, | Sutton, |
| Coleman, | McBrayer, | Taggart, |
| Cofer, | McClung, | Thomas, |
| Dorton, | McClure, | Waddle, |
| Ellison, | McFall, | White, |
| Finn, | Newell, | Wintersmith—38. |
| Goble, | O'Bannon, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Morris, |
| Messrs. Allen, | Gano, | Pirtle, |
| Anderson, S. H. | Gough, | Pope, |
| Apperson, | Graham, | Redd, |
| Ballard, | Gray, B. E. | Reeves, |
| Basye, | Gray, N. E. | Riffe, |
| Bledsoe, | Haggard, | Rodes, |
| Bradshaw, | Heady, | Rowlett, |
| Brooks, | Hopkins, | Royston, |
| Browder, | Hughes, | Shanklin, |
| Butler, | Johnson, | Sharpe, |
| Clay, | Marshall, | Smith, L. B. |
| Coffey, | McElroy, | Swope, |
| Cornish, | Meriwether, | Thornburg, |
| Daviess, | Mims, | Wade, |
| Dohoney, | Morehead, | Yates—48. |

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the orders of the day.

The House then took up the bill to amend an act, entitled, an act to provide a Sinking Fund, approved February 29, 1836; and after some discussion thereon,

Mr. Andrews moved to lay said bill on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Burden, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Haggard, | Rodes, |
| Brooks, | Howard, | Shanklin, |
| Butler, | Meriwether, | Sharpe, |
| Goodson, | Newton, | Swope—14. |
| Gray, N. E. | Pope, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Newell, |
| Messrs. Allen, | Finn, | O'Bannon, |
| Anderson, S. H. | Gano, | Purdy, |
| Apperson, | Goble, | Redd, |
| Bailey, | Gough, | Reeves, |
| Blair, | Graham, | Riffe, |
| Bledsoe, | Gray, B. E. | Ritter, |
| Bodine, | Hardy, | Root, |
| Bradley, | Heady, | Rowan, |
| Browder, | Hughes, | Rowlett, |
| Buford, | Jasper, | Royston, |
| Burden, | Johnson, | Smith, I. |
| Coleman, | Latimer, | Smith, L. B. |
| Cofer, | Lecompte, | Sprigg, |
| Coffey, | McBrayer, | Sutton, |
| Cornish, | McClure, | Taggart, |
| Daviess, | McElroy, | Waddle, |
| Dohoney, | McFall, | Wade, |
| Dorton, | Mims, | White, |
| Edmonson, | Morris, | Yates—59. |

*Ordered*, That said bill be engrossed and read a third time.

Mr, Meriwether, from the committee on Ways and Means, to whom was referred the amendments proposed by the Senate to bills from this House, of the following titles, viz:

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act to amend the several acts concerning the town of Paris and Elizabethtown—reported the same with an amendment to the amendments proposed by the Senate to said bills, which were concurred in.

The said amendments, as amended, were then twice read and concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Hopkins—1. A bill to incorporate a company to construct a turnpike road from the mouth of Salt river to Smithland.

By the committee on Religion—2. A bill for the divorce of Mary Ann Sammons.

By same—3. A bill for the divorce of Maria K. Vance.

By the committee on Education—4. A bill appointing Trustees of the Lebanon Academy, in Todd county.

By same—5. A bill to incorporate the Newton Society of Bacon College.

By same—6. A bill for the benefit of John G. Scroggin, surveyr of Bourbon county.

By the committee on Ways and Means—7. A bill for the benefit of Thos. Cropper, James Southard, and Wm. Sugg.

By same—8. A bill for the benefit of Dawson Elliott, of Madison county.

By same—9. A bill for the benefit of James E. Stone, Clerk of the Hancock County Court.

By same—10. A bill for the benefit of the Sheriff of Montgomery county.

By same—11. A bill for the benefit of Thomas Sweeny.

By same—12. A bill for the benefit of the Sheriff of Jefferson county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the Senate, of the following titles, viz:

1. An act for the benefit of John Weeks, late Sheriff of Caldwell county.

2. An act to close up part of a street in the town of Cadiz.

3. An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their Trustees, and for other purposes, approved Feb. 9, 1837.

4. An act for the benefit of Mary McBrayer, and her children.

5. An act to change the name of Mary Roberts to Mary Clifton.

6. An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester Turnpike Road.

7. An act to authorize a survey of a road from Hartford to Russellville.

8. An act to amend an act to establish a system of Common Schools in the State of Kentucky.

9. An act for the benefit of Tabitha Hix.

10. An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

11. An act to incorporate the College of Dental Surgeons of Kentucky.

12. An act to incorporate the Transylvania Institute, and for other purposes.

13. An act for the benefit of the estate of Franklin C. Averill.

14. An act for the benefit of Patsey, Jane, and Daniel Hazlewood.

15. An act changing the terms of the Court of Appeals, and for other purposes.

16. An act to allow an additional Justice of the Peace to Green county.

17. An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved Feb. 17, 1836.

18. An act for the benefit of the Sheriff of Marion county.

19. An act for the benefit of John M. Emerson and his securities.

20. An act for the benefit of Harrison Rankins, and wife and children.

21. An act to authorize the Scott County Court to impose an additional county levy.

22. An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16, 1836.

23. An act to incorporate the Shelbyville, Fire, Marine and Life Insurance Company.

24. An act to amend the 7th section of an act to prevent the increase of vagrants and other idle and disorderly persons in this State.

25. An act to close up the old road over Muldrow's Hill.

26. An act to amend an act concerning the town of Hardinsburg.

27. An act to incorporate the Maysville Lyceum.

28. An act to change the time of holding certain Circuit Courts, and for other purposes.

29. An act to amend the law concerning the action of trespass.

30. An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

31. An act to amend the law of petition and summons, and actions on joint contracts.

32. An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 11th) having been dispensed with,

The 1st, 9th, 18th, 19th and 21st were referred to the committee on Ways and Means; the 2d, 5th, 16th, 26th and 30th were ordered to be read a third time; the 3d, 4th, 13th, 14th, 15th 20th, 22d, 23d, 24th, 27th, 28th, 29th and 31st to the committee for Courts of Justice; the 6th, 7th, 10th, 17th, 25th and 32d to the committee on Internal Improvement, and the 8th and 12th to the committee on Education.

The rule of the House, constitutional provision and third reading of the 2d, 5th, 16th, 26th and 30th bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

The resolution from the Senate, fixing aday for the election of public officers, was twice read and adopted.

The amendments proposed by the Senate, to a bill from this House, enti-

tled, an act authorizing a toll gate to be erected between Stanford and Hanging Fork, in Lincoln county,

Were taken up, twice read and concurred in.

And then the House adjourned.

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## THURSDAY, FEBRUARY 7, 1839.

1. Mr. Sharpe presented the petition of sundry citizens of Woodford county, praying for an additional Justice of the Peace for said county.

2. Mr. McClure presented the petition of Polly Hurt, praying to be divorced from her husband, Wm. Hurt.

Which were received, the reading thereof dispensed with, and referred—the 1st to the committee for Courts of Justice, and the 2d to the committee on Religion.

Mr. L. B. Smith moved to reconsider the vote disagreeing to a bill from the Senate, entitled, an act for the benefit of Thomas Smith, of Lexington; and it was decided in the affirmative.

*Ordered*, That said bill be recommitted to the committee on Ways and Means.

Mr. Morehead, from the select committee to whom was referred a bill from the Senate, entitled,

An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes,

Reported the same with amendments, which were concurred in.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing the passage of a bill from this House, entitled,

An act for the benefit of the Clerks of the Henderson, Barren, Simpson and Union Circuit and County Courts—with amendments.

The said amendments were then taken up, twice read, and concurred in.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bullock—1. A bill requiring a special County Court to be held in Shelby county, for the purpose of swearing in Deputy Sheriffs.

On motion of Mr. Sutton—2. A bill further to regulate the election of Trustees of the town of Scottsville, in the county of Allen, and for other purposes.

On motion of Mr. A. Anderson—3. A bill legalizing the introduction of certain slaves into this State.

On motion of Mr. Sutton—4. A bill for the appointment of Trustees for the town of Port Oliver, in the county of Allen.

On motion of Mr. Slaughter—5. A bill to incorporate the Bear Wallow Turnpike Road Company.

Messrs. Bullock, Sprigg and Bailey were appointed to prepare and bring in the 1st; Messrs. Sutton, Jasper and Howard the 2d; Messrs. A. Anderson, Ritter and Walker the 3d; Messrs. Sutton, Ritter and Rowlett, the 4th, and the committee on Internal Improvement the 5th.

Mr. Harris, from the select committee who were appointed to prepare and bring in the same—reported a bill to prohibit the County Courts of Floyd, Morgan, &c., to change the State road.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The House then resumed the consideration of the bill to amend the revenue laws.

The said bill reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act entitled, an act to equalize taxation, approved February 23, 1837, be and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Commissioners of the revenue in each county of this Commonwealth, when taking in lists of taxable property, to require each individual, giving in his or her list, to add thereto, the number of sideboards, sofas, piano-fortes, watches and clocks, as other articles of taxable property, by law, may be directed to be listed for the time being; together with the amount of interest owned in any steamboat; the amount of bonds, notes and other evidences of debt for money loaned at interest; or which has been purchased with money; or which was given for money, and interest included; or given for money; and any other consideration given for interest; and, also, to require each and every apothecary or druggist, in their respective counties, to list for taxation, their amount of stock, as merchants are by law required to do—upon the amount and value of which, the same tax shall be paid as on other articles of taxable property: provided, that where any just doubts may exist as to the solvency of the obligors of any bond, note, or other evidence of debt, as above, the individual listing the same shall be authorized to fix, on oath, the amount he believes it to be worth, after taking into consideration all such doubts of solvency: and provided, also, that none of the above named arti-

cles of furniture shall be listed for taxation, if manufactured within the State of Kentucky, during their continuance in the hands of the original manufacturer thereof.

SEC. 3. And it shall not be lawful for any person or persons, within this Commonwealth, to carry on the business of broker, or to act as principal or agent for any insurance office, (not incorporated by the laws of this State,) without first applying to the Clerk of the County Court wherein he, she or they propose to establish themselves as above, and disclose, on oath, to such Clerk, the amount of capital intended to be employed as above, and paying in advance the same amount of tax on each hundred dollars of such capital, by him so to be employed, as is paid, for the time being, on other articles of taxable property.

SEC. 4. And if any person or persons shall presume to act in contravention to any of the provisions of this act, he, she or they, so offending, shall be subject to be fined and trebled taxed, as other persons failing to list their property for taxation.

The amendment proposed by Mr. Bledsoe, as a substitute therefor, is as follows, viz:

SEC. 1. That hereafter, when any person in this Commonwealth shall be called upon by a commissioner, for a list of his or her taxable property, if such person shall refuse to fix, upon oath, a sum sufficient to cover what he or she may be worth, from all sources, exclusive of the property required by law to be listed for taxation, said commissioner shall proceed to ascertain and fix such sum himself, from the best information he can obtain; and shall charge such person with the same, in his or her list of taxable property, as now required by law: provided, however, if such person shall feel himself or herself aggrieved by the sum so fixed by said commissioner, he or she may apply to the County Court of the county, and, upon oath, fix the sum with which he or she should have been charged; and the court shall order the difference between the sum fixed by the commissioner and the applicant, to be credited to such applicant, in the form of an exoneration.

SEC. 2. That where any person who may be called upon for a list of his or her taxable property, shall not be actually worth as much as his property specifically listed for taxation, amounts to, it shall and may be lawful for such person to fix, upon oath, a sum equal to, or not exceeding such deficiency, and the commissioner shall enter the same in his book, in a column to be prepared for that purpose, and shall deduct the same from the aggregate value of such person's taxable property: provided, however, that no person's list shall be reduced below the value of the land and negroes contained therein.

Mr. McClung moved to amend the amendment of Mr. Bledsoe, by striking out the second section thereof.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bledsoe and Browder, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Allen,
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Ballard,
Blair,
Bradley,
Browder,
Buford,
Buckner,
Butler,
Clay,
Coleman,
Cofer,
Coffey,
Daviess,
Dohoney,
Ellison,
Field,
Fox,
Gano,
Goble,
Gough,
Graham,
Gray, B. E.
Hardy,
Heady,
Hopkins,
Howard,
Hughes,
Jasper,
Johnson,
Latimer,
Lecompte,
McClung,
McElroy,
McFall,
Mims,
Myers,
Newell,
Newton,
O'Bannon,
Pope,
Purdy,
Reeves,
Ritter,
Rowan,
Royston,
Slaughter,
Smith, I.
Smith, L. B.
Sprigg,
Swope,
Thomas,
Trimble,
Waddle,
Walker,
White,
Wintersmith—60.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Anderson, A.
Basye,
Bledsoe,
Bodine,
Bradshaw,
Brooks,
Bullock,
Cornish,
Dorton,
Edmonson,
Finn,
Goodson,
Gray, N. E.
Haggard,
Harris,
McBrayer,
McClure,
Meriwether,
Morehead,
Morris,
Pirtle,
Redd,
Rodes,
Root,
Rowlett,
Shanklin,
Sharpe,
Sutton,
Taggart,
Thornburg,
Trumbo,
Wade,
Yates—34.

The question was then taken on the amendment offered by Mr. Bledsoe as a substitute, as amended, and decided in the negative.

The yeas and nays being required thereon, by Messrs. McClung and Wade, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Andrews,
Apperson,
Basye,
Blair,
Bledsoe,
Bradley,
Cofer,
Goodson,
Graham,
Harris,
Latimer,
McClung,
Myers,
Newell,
Ritter,
Sharpe,
Thomas,
Trumbo,
Waddle,
White—20.

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | Pirtle, |
| Messrs. Allen, | Gano, | Pope, |
| Anderson, A. | Goble, | Purdy, |
| Anderson, S. H. | Gough, | Redd, |
| Bailey, | Gray, B. E. | Reeves, |
| Ballard, | Gray, N. E. | Rodes, |
| Bodine, | Haggard, | Root, |
| Bradshaw, | Heady, | Rowan, |
| Brooks, | Hopkins, | Rowlett, |
| Browder, | Howard, | Royston, |
| Buford, | Hughes, | Shanklin, |
| Bullock, | Jasper, | Slaughter, |
| Buckner, | Johnson, | Smith, I. |
| Burden, | Lecompte, | Smith, L. B. |
| Butler, | McBrayer, | Sprigg, |
| Clay, | McClure, | Sutton, |
| Coleman, | McElroy, | Swope, |
| Coffey, | McFall, | Taggart, |
| Cornish, | Meriwether, | Thornburg, |
| Daviess, | Mims, | Todd, |
| Dohoney, | Morehead, | Trimble, |
| Dorton, | Morris, | Wade, |
| Edmonson, | Newton, | Walker, |
| Field, | O'Bannon, | Yates—73. |
| Finn, | | |

Mr. Cofer then moved the previous question, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Goodson, | Pope, |
| Anderson, A. | Gray, N. E. | Purdy, |
| Bailey, | Heady, | Ritter, |
| Ballard, | Howard, | Rowlett, |
| Bradley, | Marshall, | Royston, |
| Brooks, | McClung, | Sutton, |
| Buckner, | McClure, | Taggart, |
| Clay, | Meriwether, | Thomas, |
| Coffey, | Mims, | Thornburg, |
| Dohoney, | Morris, | Trumbo, |
| Field, | Newton, | Wade, |
| Goble, | O'Bannon, | Yates—36. |

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Anderson, S. H.
Andrews,
Apperson,
Basye,
Blair,
Bledsoe,
Bodine,
Bradshaw,
Browder,
Buford,
Bullock,
Burden,
Butler,
Coleman,
Cofer,
Cornish,
Daviess,
Dorton,
Edmonson,
Ellison,
Finn,
Fox,
Gano,
Gough,
Graham,
Gray, B. E.
Haggard,
Hardy,
Harris,
Hopkins,
Hughes,
Jasper,
Johnson,
Latimer,
Lecompte,
McBrayer,
McElroy,
McFall,
Morehead,
Myers,
Newell,
Pirtle,
Redd,
Reeves,
Rodes,
Rowan,
Shanklin,
Sharpe,
Smith, I.
Smith, L. B.
Sprigg,
Todd,
Trimble,
Waddle,
Walker,
White,
Wintersmith–58.

Mr. Browder then moved to amend said bill, in the second section thereof, by inserting, after the word "piano fortes," the following words:

"And all silver plate he, she, or they, may be possessed of, over the value of ten dollars; together with their stock of hogs and sheep, over the value of fifty dollars."

Mr. White moved to lay said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Harris and Buford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anderson, A.
Andrews,
Apperson,
Bailey,
Blair,
Bledsoe,
Bradley,
Buford,
Burden,
Coleman,
Cofer,
Dorton,
Ellison,
Finn,
Fox,
Goble,
Goodson,
Graham,
Haggard,
Hardy,
Harris,
Howard,
Hughes,
Jasper,
Latimer,
Lecompte,
McClung,
McClure,
McFall,
Mims,
Myers,
Newell,
O'Bannon,
Pirtle,
Ritter,
Rowan,
Rowlett,
Rudd,
Sharpe,
Slaughter,
Sutton,
Swope,
Taggart,
Thomas,
Thornburg,
Trumbo,
Waddle,
Walker,
White,
Wintersmith–50.

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Newton, |
| Messrs. Allen, | Field, | Pope, |
| Anderson, S. H. | Gano, | Purdy, |
| Ballard, | Gough, | Redd, |
| Basye, | Gray, B. E. | Reeves, |
| Bodine, | Gray, N. E. | Rodes, |
| Bradshaw, | Heady, | Royston, |
| Brooks, | Hopkins, | Shanklin, |
| Browder, | Johnson, | Smith, I. |
| Bullock, | Marshall, | Smith, L. B. |
| Butler, | McBrayer, | Sprigg, |
| Clay, | McElroy, | Todd, |
| Coffey, | Meriwether, | Trimble, |
| Cornish, | Morehead, | Wade, |
| Daviess, | Morris, | Yates—46. |
| Dohoney, | | |

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act establishing the office of Comptroller of the Treasury, and for other purposes—reported the same with amendments.

Mr. Harris moved to amend the amendment of the committee on Ways and Means, by striking out the words "fifteen hundred," and inserting the words "one thousand." And a division of the question being called for,

The question was taken on striking out, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Harris and Dohoney, were as follows, viz :

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Graham, | Rowan, |
| Bradley, | Hardy, | Rowlett, |
| Bradshaw, | Harris, | Royston, |
| Buckner, | Howard, | Rudd, |
| Burden, | Hughes, | Smith, I. |
| Coffey, | Johnson, | Sprigg, |
| Daviess, | Lecompte, | Sutton, |
| Dohoney, | McClure, | Taggart, |
| Dorton, | McElroy, | Thomas, |
| Edmonson, | McFall, | Thornburg, |
| Ellison, | Newell, | Todd, |
| Finn, | Pirtle, | Wade, |
| Goble, | Pope, | White—40. |
| Goodson, | Redd, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Cornish, | Myers, |
| Messrs. Allen, | Field, | Newton, |
| Anderson, S. H. | Gano, | O'Bannon, |
| Andrews, | Gough, | Reeves, |
| Apperson, | Gray, B. E. | Ritter, |
| Bailey, | Gray, N. E. | Rodes, |
| Ballard, | Haggard, | Root, |
| Basye, | Heady, | Shanklin, |
| Blair, | Hopkins, | Sharpe, |
| Bledsoe, | Jasper, | Slaughter, |
| Bodine, | Latimer, | Smith, L. B. |
| Brooks, | Marshall, | Trimble, |
| Browder, | McBrayer, | Trumbo, |
| Buford, | McClung, | Waddle, |
| Bullock, | Meriwether, | Walker, |
| Butler, | Mims, | Wintersmith, |
| Clay, | Morehead, | Yates—53. |
| Coleman, | Morris, | |

Mr. Sprigg then moved to lay said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Harris, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Fox, | Mims, |
| Bailey, | Goble, | Newell, |
| Bodine, | Goodson, | Pirtle, |
| Bradley, | Graham, | Pope, |
| Browder, | Hardy, | Purdy, |
| Buckner, | Harris, | Rowan, |
| Burden, | Heady, | Royston, |
| Coleman, | Hopkins, | Rudd, |
| Coffey, | Howard, | Sprigg, |
| Cornish, | Hughes, | Sutton, |
| Daviess, | Johnson, | Swope, |
| Dohoney, | Lecompte, | Taggart, |
| Dorton, | McBrayer, | Thomas, |
| Edmonson, | McClure, | Wade, |
| Ellison, | McElroy, | White—47. |
| Finn, | McFall, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Ritter, |
| Messrs. Allen, | Gough, | Rodes, |
| Anderson, S. H. | Gray, B. E. | Rowlett, |
| Andrews, | Gray, N. E. | Shanklin, |

| | | |
|---|---|---|
| Apperson, | Haggard, | Sharpe, |
| Ballard, | Jasper, | Slaughter, |
| Basye, | Latimer, | Smith, I. |
| Blair, | Marshall, | Smith, L. B. |
| Bledsoe, | Meriwether, | Thornburg, |
| Bradshaw, | Morehead, | Todd, |
| Brooks, | Morris, | Trimble, |
| Buford, | Myers, | Trumbo, |
| Bullock, | Newton, | Waddle, |
| Butler, | O'Bannon, | Walker, |
| Clay, | Redd, | Wintersmith, |
| Cofer, | Reeves, | Yates—49. |
| Field, | | |

And then the House adjourned.

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## FRIDAY, FEBRUARY 8, 1839.

1. Mr. Marshall presented the petition of the society of Free Masons in the town of Versailles, praying the passage of a law authorizing them to build a Lodge.

2. Mr. Mims presented the petition of Eleanor Brooks, adm'x of Leroy Brooks, dec'd., praying that a sale of a certain slave, made by her, may be legalized.

3. Mr. Johnson presented the petition of sundry citizens of Scott county, praying a change in the place of voting in an election precinct in said county.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee for Courts of Justice, and the 3d to the committee on Privileges and Elections.

The Speaker laid before the House, the report of the Board of Internal Improvement, in response to a resolution heretofore adopted, calling on them to state who were the contractors on Green, Barren, Kentucky and Licking rivers, and who had forfeited their contracts—which is as follows, viz:

Office of the Board of Internal Improvement,
*Frankfort, February 7th*, 1839.

Sir:

In answer to a resolution of the House of Representatives, requiring the Board of Internal Improvement te report to the House, the names of all the contractors who contracted with the Commonwealth of Kentucky for building Locks and Dams on Barren, Green, Kentucky and Licking rivers, who have forfeited their contracts; and the amount of money paid said contractors before their forfeiture, and to whom they have been re-let; also, a copy of their contracts, I have the honor to submit the following statement, together with copies of the contracts forfeited upon Licking river, and a letter from Alonzo Livermore, Resident Engineer, to James R. Skiles, Esq., relating to the prices of Locks and Dams, which have been re-let upon the Green river. The contracts for the Locks and Dams on the Green river are not in the possession of this Board.

There has been forfeited and re-let, upon Green river, two Locks and Dams; upon Barren river, none; upon Kentucky river, none; upon Licking river, three Locks and Dams. The names of the contractors whose contracts were abandoned are, for

Lock ond Dam No. 1, upon Green river, Henry & Barbour.
Lock and Dam No. 2, do. James Glenn.
Lock and Dam No. 3, Licking river, Haslett, Grant & Reynolds. See copies of contracts for prices.
Lock and Dam No. 4, Licking river, John B. Miles.
Lock and Dam No. 5, do. John B. Miles.

Lock and Dam No. 1, on Green river, was re-let to McRery & Flemming, and was afterwards assigned to Wm. Brown, who is the present contractor.

Lock and Dam No. 2, on Green river, was relet to McRery, Flemming & Tomb.

Lock and Dam No. 3, on Licking river, was re-let to Wm. S. Grant.

Lock and Dam No. 4, on Licking river, was re-let to Palmer & Guion.

Lock and Dam No. 5, on Licking river, was re-let to John Corboy.

The amount of money paid to Barbour & Henry, for work done on Lock and Dam No. 1, on Green river, was $34,586 95.

The amount paid to James Glenn, for work done at Lock and Dam No. 2, on Green river, was $9,822 36, and after the abandonment, by authority of the Legislature, $1,730 75.

The amount paid to Haslett, Grant & Reynolds, for work done at Lock and Dam No. 3, on Licking river, is $4,931 36, and a balance, which has not been reported, remains to be paid.

There was no money paid for work done at Lock and Dam No. 4, on the Licking river, before the abandonment.

The amount paid to John B. Miles, for work done at Lock and Dam No. 5, on Licking river, was $1,293 60.

When the contracts were first let upon the Licking river, it was expected that stone for building would be obtained in the vicinity of the Locks, but upon opening the quarries, the rock was found to be not of good quaility.

This made it necessary to transport a part of the materials for the Lock walls, from a distance, in consequence thereof, the cost of construction has been considerably increased in the re-letting.

The prices fixed by the second contracts, the Board believe, will pay the expenses of the work, and leave the contractors a reasonable profit.

I am, Sir,
Very respectfully,
Your obedient servant,
SAM'L. DAVIESS, *Ch'm. pro. tem.*

Honorable ROBERT P. LETCHER.
*Speaker of the House of Representatives:*

FRANKFORT, *February 6th.* 1839.

SIR:

The following are the names of the contractors whose contracts were forfeited or abandoned, upon the Green and Barren river navigation, and the amount of money paid to contractors before the forfeiture or abandonment, and the names of the persons to whom they have been re-let.

The copies of the contracts are in the office of the Commissioners at Rumsey, but the prices are herewith submitted agreeably to my recollection.

Lock and Dam No. 1, in Green river, was first let to Barbour & Henry, and they abandoned the snme, and it was re-let to McRery & Flemming, and afterwards assigned to Wm. Brown, by consent of the Board. The prices to be paid to said Brown are as follows:

LOCK.

| | |
|---|---|
| Masonry per perch, | $10 00 |
| Excavation of earth, in pit, per cubic yard, | 50 |
| " of rock, " " " | 1 50 |
| Embankment per cubic yard, | 25 |
| Puddling " " | 50 |
| Timber in foundation per lineal foot, | 12 |
| Plank, 2 inch Oak, | 06 |
| " " Poplar, | 05 |

DAM.

| | |
|---|---|
| Abutments per perch, | 8 00 |
| Wear of Dam per lineal foot, | 33 50 |
| Gravelling of Dam, | 40 |

Lock and Dam No. 2; James Glenn original contractor for said work, and was forfeited on account of the death of said contractor, and was re-let to McRery, Flemming and Tomb. The prices paid on the contract stand as follows, to-wit:

LOCK.

| | |
|---|---|
| Masonry per perch, | $6 75 |
| Excavation of earth per cubic yard, | 20 |
| " of rock, in pit, " | 1 00 |
| " of rock in channel," | 1 25 |
| Puddling, per cubic yard, | 40 |
| Embankment, " | 30 |
| Timber in foundation, per lineal foot, | 10 |
| Plank, 3 inch and 2 inch, | 06 |

DAM.

| | |
|---|---|
| Masonry per perch, in abutment, - - - - | $ 4 00 |
| Wear of Dam, per lineal foot, - - - - - | 17 75 |
| Gravelling, per cubic yard, - - - - - | 40 |
| Embankment of abutments, per cubic yard, - - - | 20 |
| Puddling do. do. - - - | 30 |
| Excavation for do. do. - - - | 20 |

The amount paid to Barbour & Henry, previous to the abandonment of Lock and Dam No. 1, $34,586 95.

The amount paid to James Glenn, exclusive of per centage retained, on Lock and Dam No. 2, $9,822 36. Per centage paid afterwards to representatives of said Glenn, per act of the Legislature, $1,730 75.

All of which being respectfully submitted.

ALONZO LIVERMORE,
*Resident Engineer.*

To James R. Skiles,
*President of the Board of Green and Barren river Commissioners.*

ARTICLES OF AGREEMENT,

Entered into this 24th day of October, A. D. one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by Chilton Allen, James R. Skiles, and Archibald Woods, constituting the Board of Internal Improvement, and agents for the said Commonwealth of the first part, and Isaac Haslett, Moses V. Grant, and S. Reynolds, all of the city of Covington, of the second part,

Witnesseth, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 3, of the Licking navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, six dollars and fifty cents ($6 50) per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars per ($3) perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and twenty five cents ($3 25) per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents ($1 50) per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred dollars ($1200.)

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve and a half cents ($0 12½) per pound.

For cast iron work in the lock and flood gates, including capstans and wheels eight cents ($0 08) per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty five dollars ($35) per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars ($350.)

For the dam twenty four feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty four dollars ($64) per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, nine cents (9 cents) per foot lineal.

For stone filling in do. fifty cents ($0 50) per cubic yard.

For iron spikes and bolts in do. twelve and a half cents ($0 12½) per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, seventy five cents ($0 75) per cubic yard.

For solid excavation above low water of the river, sixty two and a half cents ($0 62½) per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twelve and a half cents ($0 12½ per cubic yard.

For excavation of solid rock below low water of the river, one dollar and eighty cents ($1 80) per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, fifty cents ($0 50) per cubic yard.

For embankment fourteen cents ($0 14) per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the Lock and Dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, ex-

cept such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

*The payments are to be made in the following manner:* On or about the first of February next ensuing the date of this contract, the Resident Engineer shall make an estimate of the value of materials delivered, and of work done, and, upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and, on the first day of March next, a like estimate shall be made by the Resident Engineer of materials delivered, and work done after the first estimate aforesaid, and, upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and, on the first day of each succeeding month, the Resident Engineer shall, in like manner, estimate the amount and value of work done, and, on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the Lock, Dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications, and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the Resident Engineer, and, on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the Lock and Abutments, to be delivered at some convenient point at, or near, the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood and agreed, that this contract, or any part thereof, shall not be transferred, su-blet, in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ, and shall dismiss from their service and employment any disorderly or quarrelsome person who shall wantonly commit any trespass, either upon the person or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part do covenant, promise, and agree, to dismiss from their service all, and any, and every person or persons, employed by or under them, whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part shall commence the said Lock and Dam within sixty five days after the date of this agreement. And it is further understood and agreed, that the said party of the second part shall and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, Resident

Engineer, or other person having charge of the work, and do and execute all the work in the said contract mentioned, in the mode and manner directed by them; and to be governed by their directions in raising the Dam, so as not to prejudice others in like works above. And whenever the said Engineer may and shall think proper to change, alter, enlarge, or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so; and the said party of the second p rt do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening: And when the same is done, the said Engineer shall have full power to make such addition to, or deduction from, the amount agreed to be paid for the work as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the Dam and Lock shall not be commenced within the time above stated; or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer, or Resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work tobe done, and the period in which it is to be completed; or shall sul -contract, or re-let said Lock and Dam, or any part thereof; or shall not give personal superintendence to the work; or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, Resident Engineer, or Superintendent of the work; or shall violate, in any way or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and Resident Engineer, shall have power to declare this contract forfeited, and *null and void;* and, on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, in compensation for damages, which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer, and Resident Engineer, shall be final and conclusive, in all disputes, matters, and things relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of said the covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled, or exceeded, the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth any payment of the moneys, beyond the regular proportion of said appropriation—the same to be regulated agreeably to the estimate presented; the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the Locks and Dams, shall be considered as the property of the land holder, and the party of the second

part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands, and laborers.

It is further understood and agreed, that, in any case, the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction, or deductions, he may think proper, from the stipulated price or prices, for such work.

The party of the second part do hereby promise and agree to finish and deliver up this contract, on or before the thirteenth day of November, A. D. one thousand eight hundred and forty.

It is agreed and understood, that one third part of the price of the aforesaid work is to be paid in the bonds or scrip of the State of Kentucky, to be issued by the Governor, agreeably to the existing laws of the State; and the residue of the price, in the notes of the Banks of Kentucky; but the first three instalments are to be paid in the said bank notes, and the subsequent payments are to be so made as, by the completion of the contract, the proportions are to be as above—two thirds in notes of the banks, and one third in scrip.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

CHILTON ALLAN,
*President of the Board of Internal Improvement, and Agent for the State of Kentucky.*

JAS. R. SKILES,
ARCHIBALD WOODS.

ISAAC HASLETT,
M. V. GRANT,
A. REYNOLDS.

Witnesses present:
Sylvester Welch,
N. B. Buford.

## ARTICLES OF AGREEMENT,

Entered into this 24th day of October, A. D. one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by Chilton Allen, James R. Skiles and Archibald Woods, constituting the Board of Internal Improvement, and agents for the said Commonwealth of the first part, and John B. Miles, of the second part,

Witnesseth, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. four, of the Licking River Navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, seven dollars ($7 00) per perch of 25 bubic feet.

For rubble masonry in the breast of the lock, three dollars ($3 00) per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and twenty five cents ($3 25) per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents ($1 50) per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred and fifty dollars ($1250 00).

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve and a-half cents ($0 12½ per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents ($0 08) per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, twenty five dollars ($25 00) per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars ($350 00.)

For the dam, twenty seven feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty one dollars ($61 00) per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents ($0 10) per foot lineal.

For stone filling in do. fifty cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty five cents per cubic yard.

For solid rock excavation above low water of the river, seventy cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, fifteen cents per cubic yard.

For excavation of solid rock below low water of the river, two hundred cents per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty cents per cubic yard.

For embankment, twenty cents per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by meas-

ure or weight, shall be esitmated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the Lock and Dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

*The payments are to be made in the following manner:*—On or about the first of February next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of March next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the Lock, Dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the Lock and Abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part shall be liable and responsible for any damage or trespass, done or committed by any

persons in his employ: and shall dismiss from his service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever; and, at any time, the said party of the second part do covenant, promise and agree, to dismiss from his service, all, and any, and every person or persons, employed by, or under him, whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part shall commence the said Lock and Dam within sixty five days after the date of this agreement; and it is further understood and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work; and do and execute all the work in the said contract mentioned, in the mode and manner directed by them; and to be governed by their directions in raising the Dam, so as not to prejudice others in like works above. And whenever the said Engineer may and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so; and the said party of the second part do bind himself to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening; and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the Dam and Lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said Lock and Dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer, or Superintendent of the work, or shall violate, in any way or manner, any of the stipulations, provisions or conditions of this contract, the Chief Engineer and resident Engineer shall have power to declare this contract forfeited and *null and void;* and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages, which it is hereby agreed by the parties thereto, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer shall be final and conclusive in all disputes, matters and things relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants; so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed, and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented; the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings or fences, at or near the Locks and Dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case, the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices for such work.

The party of the second part do hereby promise and agree to finish and deliver up this contract, on or before the thirteenth day of November, A. D. one thousand eight hundred and forty.

It is agreed and understood, that one third part of the price of the aforesaid work is to be paid in the Bonds or Scrip of the State of Kentucky, to be issued by the Governor, agreeably to the existing laws of the State, and the residue of the price in the notes of the banks of Kentucky; but the first three estimates are to be paid in said bank notes, and the subsequent payments are to be so made as, by the completion of the contracts, the proportions are to be as above—two thirds in notes of the banks, and one third in scrip.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

CHILTON ALLAN,
*President of the Board of Internal Improvements, and Agent of the State of Kentucky.*

JAMES R. SKILES,
ARCHIBALD WOODS.

J. B. MILES.

Witnesses present:
Sylvester Welch,
N. B. Buford.

## ARTICLES OF AGREEMENT,

Entered into this 24th day of October, A. D. one thousand eight hundred and thirty seven, by and between the Commonwealth of Kentucky, by Chilton Allen, James R. Skiles, and Archibald Woods, constituting the Board of Internal Improvement, and agents for the said Commonwealth of the first part, and John B. Miles, of the second part,

WITNESSETH, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 5, of the Licking navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, six dollars and seventy five cents ($6 75) per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents ($3 50) per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and fifty cents ($3 50) per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents ($1 50) per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred and fifty dollars ($1250.)

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve and a half cents ($0 12½) per pound.

For cast iron work in the lock and flood gates, including capstans and wheels eight cents ($0 08) per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, twenty five dollars ($25) per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars ($350.)

For the dam twenty four feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty dollars ($60) per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents (10 cents) per foot lineal.

For stone filling in do. fifty cents ($0 50) per cubic yard.

For iron spikes and bolts in do. ten cents (10) per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty five cents ($0 45) per cubic yard.

For solid rock excavation above low water of the river, seventy cents (70) per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, thirteen cents (13) per cubic yard.

For excavation of solid rock below low water of the river, one dollar and eighty seven and one half cents ($1 87½) per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty cents (30) per cubic yard.

For embankment twenty cents (20) per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the Lock and Dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

*The payments are to be made in the following manner:* On or about the first of February next ensuing the date of this contract, the Resident Engineer shall make an estimate of the value of materials delivered, and of work done, and, upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and, on the first day of March next, a like estimate shall be made by the Resident Engineer of materials delivered, and work done after the first estimate aforesaid, and, upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and, on the first day of each succeeding month, the Resident Engineer shall, in like manner, estimate the amount and value of work done, and, on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the Lock, Dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications, and

directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the Resident Engineer, and, on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the Lock and Abutments, to be delivered at some convenient point at, or near, the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood and agreed, that this contract, or any part thereof, shall not be transferred, su-blet, in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part shall be liable and responsible for any damage, or trespass, done or committed by any persons in his employ, and shall dismiss from his service and employment any disorderly or quarrelsome person who shall wantonly commit any trespass, either upon the person or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part do covenant, promise, and agree, to dismiss from his service all, and any, and every person or persons, employed by or under him, whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part shall commence the said Lock and Dam within ——— after the date of this agreement. And it is further understood and agreed, that the said party of the second part shall and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, Resident Engineer, or other person having charge of the work, and do and execute all the work in the said contract mentioned, in the mode and manner directed by them; and to be governed by their directions in raising the Dam, so as not to prejudice others in like works above. And whenever the said Engineer may and shall think proper to change, alter, enlarge, or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so; and the said party of the second part does bind himself to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening: And when the same is done, the said Engineer shall have full power to make such addition to, or deduction from, the amount agreed to be paid for the work as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the Dam and Lock shall not be commenced within the time above stated; or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer, or Resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed; or shall sub-contract, or re-let said Lock and Dam, or any part thereof; or shall not give personal superintendence to the work; or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, Resident Engineer, or Superintend-

ent of the work; or shall violate, in any way or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and Resident Engineer, shall have power to declare this contract forfeited, and *null and void;* and, on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, in compensation for damages, which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer, and Resident Engineer, shall be final and conclusive, in all disputes, matters, and things relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of said the covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled, or exceeded, the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth any payment of the moneys, beyond the regular proportion of said appropriation—the same to be regulated agreeably to the estimate presented; the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the Locks and Dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands, and laborers.

It is further understood and agreed, that, in any case, the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction, or deductions, he may think proper, from the stipulated price or prices, for such work.

The party of the second part do hereby promise and agree to finish and deliver up this contract, on or before the thirtieth day of November, A. D. one thousand eight hundred and forty.

It is agreed and understood, that one third part of the price of the aforesaid work is to be paid in the bonds or scrip of the State of Kentucky, to be issued by the Governor, agreeably to the existing laws of the State; and the residue of the price, in the notes of the Banks of Kentucky; but the three first estimates are to be paid in the said bank notes, and the subsequent payments are to be so made as, by the completion of the contract, the proportions are to be as above—two thirds in notes of the banks, and one third in scrip.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

The words seven and one half interlined before signing.

CHILTON ALLAN,
*President of the Board of Internal Improvement, and*
*Agent for the State of Kentucky.*

JAS. R. SKILES,
ARCHIBALD WOODS.

J. B. MILES.

Witnesses present:
SYLVESTER WELCH,
N. B. BUFORD.

## ARTICLES OF AGREEMENT,

Entered into this 21st day of January, A. D. one thousand eight hundred and thirty nine, by and between the Commonwealth of Kentucky, by Samuel Daviess, member of the Board of Internal Improvement, of the first part, and William S. Grant, of the second part,

WITNESSETH, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. three, of the Licking River Navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, eight dollars ($8 00) per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars ($3 00) per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and twenty five cents ($3 25) per perch of 25 cubic feet.

For slope walls and pavements, one dollar and fifty cents ($1 50) per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred dollars ($1200 00).

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve and a-half cents ($0 12½ per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents ($0 08) per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty five dollars ($35 00) per one thousand feet. board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars ($350 00.)

For the dam, twenty four feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty four dollars ($64 00) per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, nine cents ($0 09) per foot lineal.

For stone filling in do. fifty cents per cubic yard.

For iron spikes and bolts in do. twelve and a half cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, seventy five cents per cubic yard.

For solid rock excavation above low water of the river, sixty two and one half cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twelve and a half cents per cubic yard.

For excavation of solid rock below low water of the river, one dollar and eighty cents per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, fifty cents per cubic yard.

For embankment, fourteen cents per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be esitmated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the Lock and Dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

*The payments are to be made in the following manner:*—On or about the first of March next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of April next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Im-

provement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the Lock, Dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the Lock and Abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part shall be liable and responsible for any damage or trespass, done or committed by any persons in his employ: and shall dismiss from his service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever; and, at any time, the said party of the second part do covenant, promise and agree, to dismiss from his service, all, and any, and every person or persons, employed by, or under him, whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part shall commence the said Lock and Dam within ten days after the date of this agreement; and it is further understood and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work; and do and execute all the work in the said contract mentioned, in the mode and manner directed by them; and to be governed by their directions in raising the Dam, so as not to prejudice others in like works above. And whenever the said Engineer may and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so; and the said party of the second part do bind himself to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening; and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the Dam and Lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said Lock and Dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer, or Superintendent of the work, or shall violate, in any way or manner, any of the stipulations, provisions or conditions of this contract, the Chief Engineer and resident Engineer shall have power to declare this contract forfeited and *null and void;* and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages, which it is hereby agreed by the parties thereto, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer shall be final and conclusive in all disputes, matters and things relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants; so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed, and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented; the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings or fences, at or near the Locks and Dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case, the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices for such work.

The party of the second part do hereby promise and agree to finish and deliver up this contract, on or before the thirteenth day of November, A. D. one thousand eight hundred and forty.

It is further understood and agreed, that the said Wm. S. Grant, party of

the second part, shall receive all the materials which have been procured and delivered by Haslett, Grant and Reynolds, late contractors for the Lock and Dam No. 3 aforesaid, including all the tools and fixtures which the Chief Engineer and Resident Engineer may consider useful and necessary in the construction of the said Lock and Dam, and shall pay for all the labor and expenses judiciously applied in opening quarries; which materials, tools and fixtures, and all labor and expenses applied to the opening of quarries, shall be valued by the Chief Engineer and Resident Engineer, and the amount and value, as estimated, shall be charged to the party of the second part, as for materials furnished to the said party by the party of the first part; and the said party of the second part further agrees to assume and carry into effect any legal contract or contracts which Haslett, Grant & Reynolds may have made for the purchase of stone for building the said Lock and Dam, or for boats to transport the same.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

THE COMMONWEALTH OF KENTUCKY, by
SAMUEL DAVIESS,
*Member of the Board of Internal Improvement,*
*acting under order of the Board.*

WILLIAM S. GRANT.

Witnesses present:
SYLVESTER WELCH,
CHARLES F. TAYLOR.

## ARTICLES OF AGREEMENT,

Entered into this 15th day of June, A. D. one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by James T. Morehead, President of the Board of Internal Improvement, of the first part, and Palmer & Guiou, of the city of Cincinnati, State of Ohio, of the second part,

WITNESSETH, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. 4, of the Licking navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, eight dollars and fifty cents ($8 50) per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, two dollars and seventy five cents ($2 75) per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, three dollars and seventy five cents ($3 75) per perch of 25 cubic feet.

For slope walls and pavements, one dollar and seventy five cents ($1 75) per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of twelve hundred dollars ($1200.)

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, twelve cents ($0 12) per pound.

For cast iron work in the lock and flood gates, including capstans and wheels seven cents ($0 07) per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty five dollars ($35) per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars ($350.)

For the dam twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree nails, the quantity of gravelling represented on the drawings, and labor of every description, fifty eight dollars ($58) per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents (10 cents) per foot lineal.

For stone filling in do. seventy five cents ($0 75) per cubic yard.

For iron spikes and bolts in do. ten cents (10) per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, forty five cents ($0 45) per cubic yard.

For solid rock excavation above low water of the river, one dollar ($1) per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, twenty cents (20) per cubic yard.

For excavation of solid rock below low water of the river, two dollars ($2) per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, thirty three and one fourth cents (33¼) per cubic yard.

For embankment twenty five cents (25) per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the Lock and Dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

*The payments are to be made in the following manner:* On or about the first of July next ensuing the date of this contract, the Resident Engineer shall make an estimate of the value of materials delivered, and of work done, and, upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and, on the first day of August next, a like estimate shall be made by the Resident Engineer of materials delivered, and work done after the first estimate aforesaid, and, upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and, on the first day of each succeeding month, the Resident Engineer shall, in like manner, estimate the amount and value of work done, and, on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the Lock, Dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications, and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the Resident Engineer, and, on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the Lock and Abutments, to be delivered at some convenient point at, or near, the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained shall be charged to him, and be deducted from his estimate.

And it is further understood and agreed, that this contract, or any part thereof, shall not be transferred, sub-let, in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part shall be liable and responsible for any damage, or trespass, done or committed by any persons in their employ, and shall dismiss from their service and employment any disorderly or quarrelsome person who shall wantonly commit any trespass, either upon the person or property of any citizen of this Com-

monwealth, or be guilty of any offensive misconduct whatever, and, at any time, the said party of the second part do covenant, promise, and agree, to dismiss from their service all, and any, and every person or persons, employed by or under them, whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part shall commence the said Lock and Dam within ten days after the date of this agreement. And it is further understood and agreed, that the said party of the second part shall and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, Resident Engineer, or other person having charge of the work, and do and execute all the work in the said contract mentioned, in the mode and manner directed by them; and to be governed by their directions in raising the Dam, so as not to prejudice others in like works above. And whenever the said Engineer may and shall think proper to change, alter, enlarge, or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so; and the said party of the second part do bind themselves to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening: And when the same is done, the said Engineer shall have full power to make such addition to, or deduction from, the amount agreed to be paid for the work as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the Dam and Lock shall not be commenced within the time above stated; or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer, or Resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed; or shall sub-contract, or re-let said Lock and Dam, or any part thereof; or shall not give personal superintendence to the work; or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, Resident Engineer, or Superintendent of the work; or shall violate, in any way or manner, any of the stipulations, provisions, or conditions of this contract, the Chief Engineer, and Resident Engineer, shall have power to declare this contract forfeited, and *null and void;* and, on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same: and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages, which it is hereby agreed by the parties thereto that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer, and Resident Engineer, shall be final and conclusive, in all disputes, matters, and things relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants, so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled, or exceeded, the amount specifically ap-

propriated or set apart by the Commonwealth for this purpose, the party of the second part shall not demand from the said Commonwealth any payment of the moneys, beyond the regular proportion of said appropriation—the same to be regulated agreeably to the estimate presented; the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings, or fences, at or near the Locks and Dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands, and laborers.

It is further understood and agreed, that, in any case, the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction, or deductions, he may think proper, from the stipulated price or prices, for such work.

The party of the second part do hereby promise and agree to finish and deliver up this contract, on or before the thirteenth day of November, A. D. one thousand eight hundred and forty.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

PALMER & GUIOU.

J. T. MOREHEAD,
*President of the Board of Internal Improvement.*

## ARTICLES OF AGREEMENT,

Entered into this 15th day of December, A. D. one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by N. B. Buford, Resident Engineer of the Licking river Navigation, and agent of the said Commonwealth, of the first part, and John Corbay, of Cincinnati, State of Ohio, of the second part,

WITNESSETH, That for, and in consideration of the payments and covenants hereinafter mentioned, to be made, the said party of the second part do hereby covenant, agree, and engage to furnish all the materials, except hydraulic lime, and perform all the labor necessary to build and construct the Dam and Lock No. Five, of the Licking River Navigation, together with the abutments, walls, crib work and all the fixtures represented in the drawings, and described in the specifications of the said Dam and Lock; which drawings and specifications are deemed and taken as part of this contract, and all the walls, crib work, or other fixtures which may be directed by the Engineer having charge of the work.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the said Commonwealth, to the said party of the second part as follows:

For regular masonry in the lock walls, eight dollars and fifty cents ($8 50) per perch of 25 cubic feet.

For rubble masonry in the breast of the lock, three dollars and fifty cents ($3 50) per perch of 25 cubic feet.

For coursed rubble masonry in the dam abutments, four dollars and fifty cents ($4 50) per perch of 25 cubic feet.

For slope walls and pavements, two dollars ($2 00) per perch of 25 cubic feet.

For wood work of the lock, including gates, foundations, planking, and all wood work represented in the drawings, or described in the specifications, (except the 6 inch floor in the upper part of the chamber,) a gross sum of sixteen hundred dollars ($1600 00).

For wrought iron work, including gate irons, chains, spikes, and all other wrought iron about the lock and flood gates, except the spikes in the crib work, thirteen cents ($0 13 per pound.

For cast iron work in the lock and flood gates, including capstans and wheels, eight cents ($0 08) per pound.

For flood gates, including plank and timber for the gates, plank for floors, and lining for the sides of the cribs, thirty dollars ($30 00) per one thousand feet, board measure.

For the wood work in the floor of the upper part of the lock chamber, a gross sum of three hundred and fifty dollars ($350 00.)

For the dam, twenty five feet high, measured from the bottom of the river, to the comb or weir of the dam, and sixty six feet long in the base, including timber of all kinds, sheet piling, stone filling, spikes, tree-nails, the quantity of gravelling represented on the drawings, and labor of every description, sixty three and one fourth dollars ($63 25) per foot in length of the comb or weir, measured between the abutments.

For timber in the crib work above and below the lock, in the abutments, and in any addition that may be made to the height or length of base of the dam, ten cents ($0 10) per foot lineal.

For stone filling in do. sixty two and a half cents per cubic yard.

For iron spikes and bolts in do. ten cents per pound.

For gravelling put on in addition to the quantity specified above, or shown in the drawings, and for the gravel or loose small stone under the slope walls, and behind the lock walls, fifty cents per cubic yard.

For solid rock excavation above low water of the river, seventy five cents per cubic yard.

For excavation of sand, clay, and all other materials, except solid rock, above low water of the river, fifteen cents per cubic yard.

For excavation of solid rock below low water of the river, two dollars ($2) per cubic yard.

For excavation of sand, clay, gravel and all other materials, except solid rock, below low water of the river, forty cents (40) per cubic yard.

For embankment eighteen cents (18) per cubic yard.

It is understood, that the prices affixed to the above items, are intended to include materials and labor of every description required to fit and put them in the work. The plank, timber, and all other materials paid for by measure or weight, shall be estimated, or the quantities shall be determined by the dimensions of the timber or other item, as it lies in the work, when finished.

No allowance will be made for bailing water, and no extra allowance will

be made in any case, for the performance of this contract beyond the sum stipulated therein, except for additional, or extra work.

It is further agreed, that any items of work that may necessarily occur in, or about the Lock and Dam, not already specified in this contract, or represented in the plan, or described in the specification, and which may be directed to be done by the Engineer, shall be estimated by him, and paid for according to its value; and it is further understood by the parties, that all stone taken from the excavation of the pits or foundation of the dam, except such as may be used in the work, shall be the property of the Commonwealth of Kentucky, and not of the contractor, and may be disposed of by the Board of Internal Improvement as it may think proper.

*The payments are to be made in the following manner:*—On or about the first of February next, ensuing the date of this contract, the resident Engineer shall make an estimate of the value of materials delivered, and of work done, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid; and on the first day of March next, a like estimate shall be made by the resident Engineer of materials delivered, and work done after the first estimate aforesaid, and upon his certificate being presented to the President of the Board of Internal Improvement, the same shall be paid, reserving therefrom, ten per cent., which shall be retained by the party of the first part, as security for the faithful performance of the work, until the same shall be completed, unless directed to be paid by the Board of Internal Improvement; and on the first day of each succeeding month, the resident Engineer shall, in like manner, estimate the amount and value of work done, and on the presentation of his certificate, eighty seven and a half per cent. of the amount shall be paid, and the balance retained for security, as before.

When the Lock, Dam, and other works connected with them, shall be completed and finished, according to the contract, plans, specifications and directions of the Engineer, or within thirty days thereafter, the amount and value of all the work and materials shall be estimated by the resident Engineer, and on the presentation of his certificate, approved and signed by the Chief Engineer, to the President of the Board of Internal Improvement, the balance, including the amounts from time to time retained, shall be paid.

It is further agreed, that the Commonwealth shall furnish all the hydraulic lime required to build the walls of the Lock and Abutments, to be delivered at some convenient point, at, or near the work, where the contractor shall receive it, and deposit it in some house, shed, or other building, where it will be preserved from injury by wet or exposure to the air; and if any of the hydraulic lime shall be injured by his neglect, while in possession of the contractor, the amount of injury sustained, shall be charged to him, and be deducted from his estimate.

And it is further understood and agreed, that this contract, or any part thereof, shall not be transferred, sub-let in any manner, or under any pretence whatsoever, except for the procuring of materials.

And it is further agreed, that the said party of the second part shall be liable and responsible for any damage or trespass, done or committed by any persons in his employ: and shall dismiss from his service and employment, any disorderly or quarrelsome person, who shall wantonly commit any trespass, either upon the person or property of any citizen of this Commonwealth, or be guilty of any offensive misconduct whatever; and, at any

time, the said party of the second part do covenant, promise and agree, to dismiss from his service, all, and any, and every person or persons, employed by, or under him, whenever thereto directed by the Engineer.

And it is further understood and agreed, that said party of the second part shall commence the said Lock and Dam within thirty days after the date of this agreement; and it is further understood and agreed, that the said party of the second part shall, and will, in all and every thing and matter, conform to the orders and directions of the Chief Engineer, resident Engineer, or other person having charge of the work; and do and execute all the work in the said contract mentioned, in the mode and manner directed by them; and to be governed by their directions in raising the Dam, so as not to prejudice others in like works above. And whenever the said Engineer may and shall think proper to change, alter, enlarge or alter the amount of work, or location of the work on this contract, he shall have full power and authority to do so; and the said party of the second part do bind himself to faithfully observe and obey his instructions and directions touching such change, alteration, enlargement or lessening; and when the same is done, the said Engineer shall have full power to make such addition to, or deduction from the amount agreed to be paid for the work, as, in his opinion, may be just and equitable.

It is further understood and agreed by the parties, that in case the Dam and Lock shall not be commenced within the time above stated, or if, at any subsequent period, the party of the second part should, in the opinion of the Chief Engineer or resident Engineer, refuse or neglect to prosecute this contract with a force proportionate to the quantity of the work to be done, and the period in which it is to be completed, or shall sub-contract, or re-let said Lock and Dam, or any part thereof; or shall not give personal superintendence to the work, or shall refuse, at any time, to conform to the directions and instructions of the Chief Engineer, resident Engineer, or Superintendent of the work, or shall violate, in any way or manner, any of the stipulations, provisions or conditions of this contract, the Chief Engineer and resident Engineer shall have power to declare this contract forfeited and *null and void;* and on their declaration, the same shall cease and determine forever, and as if it had never been made, and they may proceed to re-let the same; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages, which it is hereby agreed by the parties thereto, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of the contract.

And it is further understood, that the decision of the Chief Engineer and resident Engineer shall be final and conclusive in all disputes, matters and things relating to this contract; and each and every of the said parties do hereby waive any right of action, suit or suits, or other remedy in law, or otherwise, by virtue of the said covenants; so that the decision of the said Engineer shall, in the nature of an award, be final and conclusive on the rights and claims of the parties.

It is further agreed, and explicitly understood, that if, during the existence of this contract, a general estimate shall be made of the amount of labor done on the works of the Licking River Navigation, and it shall appear that the value of the same has equalled or exceeded the amount specifically appropriated or set apart by the Commonwealth for this purpose, the party of the

second part shall not demand from the said Commonwealth, any payment of the moneys beyond the regular proportion of said appropriation, the same to be regulated agreeably to the estimate presented; the balance, including the retained per centage, to remain until provisions shall be made for its adjustment, subject to the orders and directions of the Board of Internal Improvement.

All timbers, buildings or fences, at or near the Locks and Dams, shall be considered as the property of the land holder, and the party of the second part shall be held responsible for the safe keeping of the same, from the depredations of his agents, hands and laborers.

It is further understood and agreed, that in any case, the party of the second part shall execute any portion of the work defectively, and if the imperfection is not of sufficient magnitude to require, in the opinion of the Engineer, the taking up and re-building of the imperfect part, the said Engineer shall have power to make any deduction or deductions he may think proper, from the stipulated price or prices for such work.

The party of the second part do hereby promise and agree to finish and deliver up this contract, on or before the thirty first day of December, A. D. one thousand eight hundred and forty.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above written.

N. B. BUFORD,
*Resident Engineer, and Agent for the Commonwealth of Kentucky.*

JOHN CORBAY.

The within contract was laid before the Board, and after having been examined, was approved of.

AUSTIN P. COX,
*Secretary Board of Internal Improvement.*

Mr. Shanklin, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to establish the county of Breathitt.

An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies within the county of Todd.

An act to provide for the permanent investment and application of the Craddock fund.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act for the benefit of the heirs and representatives of Robert Brenham and John Samuel.

An act for the benefit of Wm. Herd.

An act to authorize the Trustees of the Brandenburg Academy to sell and convey a certain lot.

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, and between the Anderson line, and a point five miles towards Harrodsburg.

An act for the benefit of James W. Bowers, Jailor of Campbell county.

An act for the benefit of the widow and heirs of Michael Chism.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

And bills which originated in the Senate, of the following titles, viz:

An act to allow an additional Justice of the Peace to Green county.

An act to change the name of Mary Roberts to Mary Clifton.

An act to authorize the city of Lexington to borrow money for certain purposes.

An act authorizing a fund to be raised by lottery for the endowment of a male and female Academy in the town of Paducah, and for other purposes.

An act for the relief of the Sheriff of Logan county.

An act to close up part of a certain street in the town of Cadiz.

An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

An act for the divorce of Jeremiah Delph.

An act to amend an act concerning the town of Hardinsburg.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to increase the capital stock in the Falmouth Bridge Company.

An act to increase the pay of Patrollers in Fayette county.

With amendments to each.

And the passage of a bill from the Senate, entitled,

An act for the benefit of the late and present Sheriffs of Washington county.

Mr. Morehead, from the select committee to whom was referred sundry documents accompanying the Governor's message, in relation to the sale of State Bonds—made the following report, with a resolution accompanying the same, viz:

The committee to whom was referred the documents accompanying the Governor's message in relation to the sale of $1,250,000 of State bonds, with directions to report what portion of said documents ought to be published—have had the subject under consideration, and beg leave to report—

That they have carefully examined said documents, and are well satisfied that the agent employed to negotiate said sale, did all that could have been done by any one, under the circumstances, to promote the best interests of the State; and that the negotiation was as creditable to him, as it was advantageous to the public. But they are of opinion that it is entirely useless to

publish the documents; and they therefore recommend the adoption of the following resolution:

*Resolved*, That it is unnecessary to publish the documents accompanying the Governor's message, in relation to the sale of $1,250,000 of State bonds.

Which resolution was twice read, and adopted.

On motion of Mr. Morehead,

*Ordered*, That leave be given to the Secretary of State to withdraw the documents referred to in said report—which were accordingly withdrawn.

Leave was given to bring in the following bills, viz:

On motion of Mr. Root—1. A bill to alter the State road leading from Eagle creek to Ghent, on the Ohio river.

On motion of Mr. McBrayer—2. A bill to extend the August term of the Anderson Circuit Court.

On motion of Mr. Walker—3. A bill allowing an additional Justice of the Peace in Lewis county.

On motion of Mr. Thomas—4. A bill for the benefit of the Clerk of the Campbell County and Circuit Courts.

On motion of Mr. Burden—5. A bill to incorporate the Butler Allum and Copperas Manufacturing Company.

On motion of Mr. Latimer—6. A bill to repeal the fourth section of an act supplemental to an act, entitled, an act establishing the county of Carroll.

On motion of Mr. Daviess—7. A bill for an additional Justice of the Peace for the county of Mercer.

The committee on Internal Improvement were directed to prepare and bring in the 1st; Messrs. McBrayer, Cornish and Lecompte the 2d; the committee for Courts of Justice the 3d and 6th; Messrs. Burden, S. H. Anderson and Browder the 5th; Messrs. Daviess, Cornish and Buford the 7th; the committee on Ways and Means the 4th.

Mr. Morris, from the select committee to whom was referred a bill to change the time of holding the Perry and Harlan Circuit Courts—reported the same with an amendment as a substitute, which was adopted.

*Ordered*, That the said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be amended to read, An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

Mr. Apperson, from the committee on the Penitentiary, to whom was referred a bill from the Senate, entitled, an act prescribing the duties of the Keeper and Clerk of the Penitentiary—reported the same with sundry amendments.

*Ordered*, That the Public Printer print 150 copies of the said bill, with the amendments incorporated therein, so as to present the bill in the shape it will assume if the amendments be adopted—for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Bullock. A bill requiring a special County Court to be held in Shelby county, for the purpose of swearing in Deputy Sheriffs.

By Mr. Buford. A bill to change the place of voting in the Scaffle Cane precinct, in Rockcastle county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

The House again resumed the consideration of the bill from the Senate, entitled, an act establishing the office of Comptroller of the Treasury, and for other purposes.

The amendments proposed by the committee were then twice read, and concurred in.

Mr. Pope then offered the following as a substitute for the bill, viz:

Whereas, it appears that recent legislation has devolved on the Auditor of Public Accounts, more business than he can perform: Therefore,

*Be it enacted*, That the *said Auditor* shall have the power to appoint an assistant clerk or clerks, to aid him in his office: provided, the compensation to said assistant or each assistant, shall not exceed ——— dollars per annum; and that the appointment shall receive the sanction of the Governor.

*Be it further enacted*, That this act shall not extend beyond the first day of January, 1841.

Mr. Buford moved to amend said substitute, as follows, viz:

Strike out the words printed in italics, and insert in lieu, the words "the Governor."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Buford and Allen, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Bullock, | Morris, |
| Anderson, S. H. | Dorton, | Ritter, |
| Apperson, | Ellison, | Shanklin, |

| | | |
|---|---|---|
| Basye, | Gano, | Thornburg, |
| Bradshaw, | Graham, | Trumbo, |
| Browder, | Gray, N. E. | White—20. |
| Buford, | Jasper, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gough, | Pope, |
| Messrs. Anderson, A. | Gray, B. E. | Purdy, |
| Andrews, | Haggard, | Redd, |
| Bailey, | Hardy, | Reeves, |
| Ballard, | Harris, | Rodes, |
| Blair, | Heady, | Root, |
| Bledsoe, | Hopkins, | Rowan, |
| Bodine, | Howard, | Rowlett, |
| Bradley, | Hughes, | Royston, |
| Brooks, | Johnson, | Rudd, |
| Burden, | Latimer, | Sharpe, |
| Butler, | Lecompte, | Slaughter, |
| Clay, | Marshall, | Smith, I. |
| Coleman, | McBrayer, | Smith, L. B. |
| Cofer, | McClung, | Sprigg, |
| Coffey, | McClure, | Sutton, |
| Combs, | McElroy, | Swope, |
| Cornish, | McFall, | Taggart, |
| Daviess, | Meriwether, | Thomas, |
| Dohoney, | Mims, | Todd, |
| Edmonson, | Morehead, | Trimble, |
| Field, | Myers, | Waddle, |
| Finn, | Newell, | Wade, |
| Fox, | Newton, | Walker, |
| Goble, | O'Bannon, | Wintersmith, |
| Goodson, | Pirtle, | Yates—78. |

The question was then taken upon the adoption of said substitute, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Pope and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goodson, | Pirtle, |
| Bailey, | Graham, | Pope, |
| Bodine, | Hardy, | Purdy, |
| Bradley, | Harris, | Redd, |
| Browder, | Heady, | Root, |
| Burden, | Hopkins, | Rowan, |
| Coleman, | Howard, | Rowlett, |
| Coffey, | Hughes, | Rudd, |
| Cornish, | Johnson, | Smith, I. |

| | | |
|---|---|---|
| Daviess, | Lecompte, | Sprigg, |
| Dohoney, | McBrayer, | Sutton, |
| Edmonson, | McClure, | Swope, |
| Ellison, | McElroy, | Taggart, |
| Finn, | McFall, | Thomas, |
| Fox, | Mims, | Wade—47. |
| Goble, | Newell, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Reeves, |
| Messrs. Allen, | Field, | Ritter, |
| Anderson, S. H. | Gano, | Rodes, |
| Andrews, | Gough, | Royston, |
| Apperson, | Gray, B. E. | Shanklin, |
| Ballard, | Gray, N. E. | Sharpe, |
| Basye, | Haggard, | Slaughter, |
| Blair, | Jasper, | Smith, L. B. |
| Bledsoe, | Latimer, | Thornburg, |
| Bradshaw, | Marshall, | Todd, |
| Brooks, | McClung, | Trimble, |
| Buford, | Meriwether, | Trumbo, |
| Bullock, | Morehead, | Waddle, |
| Butler, | Morris, | Walker, |
| Clay, | Myers, | White, |
| Cofer, | Newton, | Wintersmith, |
| Combs, | O'Bannon, | Yates—51. |

Mr. Harris moved the following as a substitute for said bill, viz:

*Be it further enacted, by the General Assembly of the Commonwealth of Kentucky*, That there shall be established, in this Commonwealth, a Second Auditor, whose annual salary shall be the sum of one thousand dollars, and who shall be governed by the direction of the present Auditor.

*Be it further enacted*, That the said Second Auditor shall hold his office for the term of two years, and shall be nominated by the Governor, and be approved by the Senate.

And the question being taken upon the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Harris and Fox, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Fox, | Pirtle, |
| Bailey, | Goodson, | Pope, |
| Bradley, | Graham, | Purdy, |
| Browder, | Harris, | Redd, |
| Burden, | Hopkins, | Rowan, |
| Coleman, | Howard, | Rowlett, |

| | | |
|---|---|---|
| Coffey, | Hughes, | Smith, I. |
| Cornish, | Johnson, | Sprigg, |
| Daviess, | Lecompte, | Sutton, |
| Dohoney, | McBrayer, | Taggart, |
| Dorton, | McClure, | Thomas, |
| Edmonson, | McElroy, | Thornburg, |
| Ellison, | McFall, | Wade—41. |
| Finn, | Mims, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Reeves, |
| Messrs. Allen, | Goble, | Ritter, |
| Anderson, S. H. | Gough, | Rodes, |
| Andrews, | Gray, B. E. | Root, |
| Apperson, | Gray, N. E. | Royston, |
| Ballard, | Haggard, | Shanklin, |
| Basye, | Hardy, | Sharpe, |
| Blair, | Heady, | Slaughter, |
| Bledsoe, | Jasper, | Smith, L. B. |
| Bodine, | Latimer, | Swope, |
| Bradshaw, | Marshall, | Todd, |
| Brooks, | McClung, | Trimble, |
| Buford, | Meriwether, | Trumbo, |
| Bullock, | Morehead, | Waddle, |
| Butler, | Morris, | Walker, |
| Clay, | Myers, | White, |
| Cofer, | Newton, | Wintersmith, |
| Combs, | O'Bannon, | Yates—55. |
| Field, | | |

Mr. Heady then moved that said bill, with the amendments, be re-committed to the committee on Ways and Means, with the following instructions, viz:

That the bill and amendments be re-committed, with instructions to amend the bill, so as to provide for a Second Auditor, assigning to him the duties arising under the School Fund; the Sinking Fund; Internal Improvement Fund, and Jury Fund; and such other duties as may hereafter be assigned him, or directed by the Auditor, so as to equalize the duties; and that his salary be fifteen hundred dollars per annum, for his serviees.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Heady and Harris, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Harris, | Pope, |
| Bailey, | Heady, | Purdy, |
| Bradley, | Hughes, | Redd, |
| Coleman, | Johnson, | Rowan, |

| | | |
|---|---|---|
| Cornish, | Lecompte, | Rowlett, |
| Daviess, | McBrayer, | Smith, I. |
| Dohoney, | McClure, | Smith, L. B. |
| Edmonson, | McElroy, | Sprigg, |
| Fox, | McFall, | Swope, |
| Goble, | Mims, | Taggart, |
| Goodson, | Newell, | Thomas, |
| Graham, | Pirtle, | Wade—36. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Combs, | Newton, |
| Messrs. Allen, | Dorton, | O'Bannon, |
| Anderson, S. H. | Ellison, | Reeves, |
| Andrews, | Field, | Ritter, |
| Apperson, | Finn, | Rodes, |
| Ballard, | Gano, | Root, |
| Basye, | Gough, | Royston, |
| Blair, | Gray, B. E. | Shanklin, |
| Bledsoe, | Gray, N. E. | Sharpe, |
| Bodine, | Haggard, | Slaughter, |
| Bradshaw, | Hardy, | Sutton, |
| Brooks, | Hopkins, | Thornburg, |
| Browder, | Howard, | Todd, |
| Buford, | Jasper, | Trimble, |
| Bullock, | Latimer, | Trumbo, |
| Burden, | Marshall, | Waddle, |
| Butler, | Meriwether, | Walker, |
| Clay, | Morehead, | White, |
| Cofer, | Morris, | Wintersmith, |
| Coffey, | Myers, | Yates—60. |

Mr. Andrews then moved the previous question, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Harris and Edmonson, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Ritter, |
| Messrs. Allen, | Gough, | Rodes, |
| Anderson, S. H. | Gray, B. E. | Royston, |
| Andrews, | Gray, N. E. | Shanklin, |
| Apperson, | Haggard, | Sharpe, |
| Ballard, | Jasper, | Slaughter, |
| Basye, | Latimer, | Todd, |
| Bledsoe, | Marshall, | Trimble, |
| Bradshaw, | McClung, | Tumbo, |
| Brooks, | Meriwether, | Waddle, |
| Buford, | Morehead, | Walker, |

| | | |
|---|---|---|
| Bullock, | Morris, | White, |
| Clay, | Myers, | Wintersmith, |
| Combs, | Newton, | Yates—44. |
| Field, | O'Bannon, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Fox, | Pirtle, |
| Bailey, | Goble, | Pope, |
| Blair, | Goodson, | Purdy, |
| Bodine, | Graham, | Redd, |
| Bradley, | Hardy, | Reeves, |
| Browder, | Harris, | Root, |
| Burden, | Heady, | Rowan, |
| Butler, | Hopkins, | Rowlett, |
| Coleman, | Howard, | Smith, I. |
| Cofer, | Hughes, | Smith, L. B. |
| Coffey, | Johnson, | Sprigg, |
| Cornish, | Lecompte, | Sutton, |
| Daviess, | McBrayer, | Swope, |
| Dohoney, | McClure, | Taggart, |
| Dorton, | McElroy, | Thomas, |
| Edmonson, | McFall, | Thornburg, |
| Ellison, | Mims, | Wade—52. |
| Finn, | Newell, | |

Mr. Sprigg then moved that said bill be committed to a select committee, with the following instructions, viz:

To report a bill, in lieu of the bill and amendments, directing the County Courts of this State to appoint commissioners to take in the lists of taxable property, in the month of October, in each year, with such provisions as will compel the commissioners to return the alphabetical book and original list, which are now required by the existing laws, to the Clerk's offices of their respective counties, on or before the first day of March following the day of their appointment, in each and every year; and with such other provisions as will compel the Clerks of the several County Courts to make out alphabetical books, as now required by law, and deliver one copy of such books to the Sheriff of the county, and transmit one copy to the Auditor of Public Accounts, on or before the first day of May, in each and every year, with such other provisions as will compel the several Sheriffs of the State to account for and pay into the Treasury of the State, on or before the tenth day of November, annually, the full amount of all taxes imposed in his county; deducting therefrom, such allowances as the law now directs to be made.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goble, | Pirtle, |
| Bailey, | Graham, | Purdy, |
| Bradley, | Harris, | Redd, |
| Burden, | Heady, | Rowan, |
| Coleman, | Hughes, | Sprigg, |
| Cornish, | Lecompte, | Sutton, |
| Daviess, | McBrayer, | Swope, |
| Dohoney, | McClure, | Taggart, |
| Edmonson, | McElroy, | Thomas, |
| Ellison, | McFall, | Wade—32. |
| Finn, | Mims, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | O'Bannon, |
| Messrs. Allen, | Gano, | Pope, |
| Anderson, S. H. | Goodson, | Reeves, |
| Andrews, | Gough, | Ritter, |
| Apperson, | Gray, B. E. | Rodes, |
| Ballard, | Gray, N. E. | Rowlett, |
| Basye, | Haggard, | Royston, |
| Blair, | Hardy, | Shanklin, |
| Bledsoe, | Hopkins, | Sharpe, |
| Bodine, | Howard, | Slaughter, |
| Bradshaw, | Jasper, | Smith, I. |
| Brooks, | Johnson, | Smith, L. B. |
| Browder, | Latimer, | Thornburg, |
| Buford, | Marshall, | Todd, |
| Bullock, | McClung, | Trimble, |
| Butler, | Meriwether, | Trumbo, |
| Clay, | Morehead, | Waddle, |
| Cofer, | Morris, | Walker, |
| Coffey, | Myers, | White, |
| Combs, | Newell, | Wintersmith, |
| Dorton, | Newton, | Yates—64. |
| Field, | | |

Mr. Butler moved to amend said bill, by adding thereto the following section:

That the Second Auditor shall do and perform all the duties herein required of him, in the settlement of the accounts; and when such accounts have been audited and settled by him, he shall draw warrants accordingly; and when balances are due to the Treasury, shall certify to the Treasurer, as now directed by law; and shall thereupon present said warrants and settlements or certificates to the Auditor, who shall thereupon endorse the warrant and certificates so drawn; and no warrant upon the Public Treasury, drawn by the said Second Auditor, shall be regarded as authentic, until it shall have been so endorsed by the Auditor; and the Auditor shall have the control of said department; and in case of a difference of opinion, touching the legal duties of the Auditor and Second Auditor, the opinion of the Auditor shall prevail; subject, however, to the opinion of the Attorney General.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Edmonson and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goodson, | Newell, |
| Bailey, | Graham, | Pirtle, |
| Blair, | Hardy, | Pope, |
| Bradley, | Harris, | Purdy, |
| Browder, | Heady, | Redd, |
| Burden, | Hopkins, | Rowan, |
| Butler, | Howard, | Rowlett, |
| Coleman, | Hughes, | Royston, |
| Coffey, | Johnson, | Smith, I. |
| Daviess, | Lecompte, | Sprigg, |
| Dohoney, | Marshall, | Sutton, |
| Dorton, | McBrayer, | Swope, |
| Edmonson, | McClure, | Taggart, |
| Ellison, | McElroy, | Thomas, |
| Finn, | McFall, | Thornburg, |
| Fox, | Mims, | Wade—49. |
| Goble, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Cornish, | Reeves, |
| Messrs. Allen, | Field, | Ritter, |
| Anderson, S. H. | Gano, | Rodes, |
| Andrews, | Gough, | Shanklin, |
| Apperson, | Gray, B. E. | Sharpe, |
| Ballard, | Gray, N. E. | Slaughter, |
| Basye, | Haggard, | Smith, L. B. |
| Bledsoe, | Jasper, | Todd, |
| Bodine, | Latimer, | Trimble, |
| Bradshaw, | McClung, | Trumbo, |
| Brooks, | Meriwether, | Waddle, |
| Buford, | Morehead, | Walker, |
| Bullock, | Morris, | White, |
| Clay, | Myers, | Wintersmith, |
| Cofer, | Newton, | Yates—47. |
| Combs, | O'Bannon, | |

*Ordered*, That said bill, as amended, be read a third time.

Mr. Blair then moved a re-consideration of the vote ordering said bill to be read a third time.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Johnson and Howard, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Rodes, |
| Messrs. Anderson, S. H. | Gray, B. E. | Shanklin, |
| Andrews, | Gray, N. E. | Sharpe, |
| Apperson, | Haggard, | Slaughter, |
| Ballard, | Jasper, | Smith, I. |
| Basye, | Latimer, | Smith, L. B. |
| Blair, | McClung, | Todd, |
| Bledsoe, | Meriwether, | Trimble, |
| Bradshaw, | Morehead, | Trumbo, |
| Brooks, | Morris, | Waddle, |
| Buford, | Myers, | Walker, |
| Bullock, | Newton, | White, |
| Clay, | O'Bannon, | Wintersmith, |
| Combs, | Reeves, | Yates—44. |
| Field, | Ritter, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | McElroy, |
| Anderson, A. | Fox, | McFall, |
| Bailey, | Goble, | Mims, |
| Bodine, | Goodson, | Newell, |
| Bradley, | Gough, | Pirtle, |
| Browder, | Graham, | Pope, |
| Burden, | Hardy, | Purdy, |
| Butler, | Harris, | Redd, |
| Coleman, | Heady, | Rowan, |
| Cofer, | Hopkins, | Rowlett, |
| Coffey, | Howard, | Royston, |
| Cornish, | Hughes, | Sprigg, |
| Daviess, | Johnson, | Sutton, |
| Dohoney, | Lecompte, | Swope, |
| Dorton, | Marshall, | Taggart, |
| Edmonson, | McBrayer, | Thomas, |
| Ellison, | McClure, | Wade—51. |

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

The question was then taken upon the passage thereof, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Edmonson and Allen, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Morehead, |
| Messrs. Allen, | Field, | Morris, |
| Anderson, S. H. | Fox, | Newell, |
| Bailey, | Gano, | Newton, |

| | | |
|---|---|---|
| Ballard, | Goodson, | O'Bannon, |
| Blair, | Gough, | Pope, |
| Bledsoe, | Gray, B. E. | Ritter, |
| Bodine, | Gray, N. E. | Rodes, |
| Bradshaw, | Haggard, | Rowlett, |
| Brooks, | Hardy, | Royston, |
| Browder, | Hopkins, | Shanklin, |
| Bullock, | Howard, | Sharpe, |
| Butler, | Latimer, | Smith, I. |
| Clay, | Marshall, | Trimble, |
| Cofer, | Meriwether, | Waddle, |
| Combs, | Mims, | Walker—49. |
| Cornish, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Harris, | Rowan, |
| Andrews, | Heady, | Slaughter, |
| Apperson, | Hughes, | Smith, L. B. |
| Basye, | Jasper, | Sprigg, |
| Bradley, | Johnson, | Sutton, |
| Buford, | Lecompte, | Swope, |
| Burden, | McBrayer, | Taggart, |
| Coleman, | McClung, | Thomas, |
| Coffey, | McClure, | Thornburg, |
| Daviess, | McElroy, | Todd, |
| Dohoney, | McFall, | Trumbo, |
| Edmonson, | Myers, | Wade, |
| Ellison, | Pirtle, | White, |
| Finn, | Purdy, | Wintersmith, |
| Goble, | Redd, | Yates—47. |
| Graham, | Reeves, | |

*Resolved*, That the title of said bill be amended to read,

An act establishing the office of Second Auditor, and for other purposes.

And then the House adjourned.

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## SATURDAY, FEBRUARY 9, 1839.

The Speaker laid before the House, the response of the President of the Bank of the Commonwealth of Kentucky, to resolutions adopted by this House, which is as follows:

Bank of the Commonwealth,
*February 9th*, 1839.

Sir:

In obedience to a resolution of the 3d ultimo, directing me to report to the House of Representatives, a list of all the debts now due this institution; what steps (if any) have been taken to collect the same; the number of debts in each county, and the amount of said debts; the names of the agents appointed to collect said debts; the terms on which they have been collected, or otherwise liquidated; the names of individuals whose debts may have been settled for less than their nominal amount, and the name of the agent or agents who settled the same.

I herewith transmit a list of all the debts now due the Bank; the whole of which, with the exception of such as stand on special arrangement, or on time, are in suit, and all the steps known to the law, have been taken to insure their speedy collection; having, at the same time, a due regard to surrounding circumstances, and the condition of the debtors.

Since the passage of the act approved February 20, 1836, repealing so much of the act approved 29th January, 1830, as authorized the appointment of agents, the business has been confided to Attorneys at Law, in the different counties and branch districts, who have executed bond, with security, for the faithful performance of the trust confided to them; and who, in addition to the legal taxed fees, have received as compensation for their trouble, a commission of three per cent. on the amount collected and paid over by them, respectively. A list of the agents or attorneys so employed, is herewith annexed. A list of the largest and most important debts that have been compromised and settled for less than their nominal amount, is also annexed.

The Bank has been in the habit, for years, of compromising bad and doubtful debts for less than their nominal amount, according to the peculiar circumstances of the case and the condition of the parties—sometimes releasing the interest, sometimes one half of the principal, and at others a larger amount; but in no instance that is known to me, has any agent or attorney at law undertaken to compromise or settle a debt for less than its nominal amount, without first having submitted the facts of the case to the Board of Directors here, and then being fully authorized to make such settlement or compromise. In submitting this list of debts (already delayed too long,) it is proper for me to remark, that considerable sums of money have been received from attorneys, and paid over to the Commissioners of the Sinking Fund; but not yet applied to the credit of the individual debtors, for want of the necessary instructions as to their application. Hence some debts are reported as due the Bank, that are, in point of fact, paid off, and the amount standing to the credit of the attorney, instead of the debtor. The labor of preparing this list has been performed principally at night, and after the ordinary business of the day was attended to.

I am, sir, very respectfully,
Your ob't servant,
H. WINGATE, *Pres't*.

Honorable Robert P. Letcher,
*Speaker of the House of Representatives.*

*Ordered*, That the said report and documents be referred to the committee on Banks,

1. Mr. Andrews presented the petition of Mordecai J. W. Ambrose, and Sophia his wife, praying for permission to depose of a tract of land pescended to the said Sophia.

2. Mr. Buford presented the petition of John Bryant, and sundry other citizens, praying permission for said Bryant to sell spirituous liquors without license.

Which were received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

On motion of Mr. Heady—Leave was given to bring in a bill for the benefit of George Collings and Nathan Beauchamp.

*Ordered*, That the committee on Military Affairs prepare and bring in the same.

Mr. O'Bannon, from the committee on Military Affairs, to whom was referred bills from the Senate of the following titles, viz:

An act to repeal so much of the 79th section of the militia law as requires the militia men to carry guns to muster.

An act for the benefit of Wm. Spratt, and others.

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Waddle,

*Ordered*, That leave of absence for the balance of the session, be granted him.

Mr. Sprigg moved a re-consideration of the vote refusing to print the report of the Board of Internal Improvement, containing a list of the Engineers, their salaries, and the general expenses of said Board.

And it was decided in the affirmative.

*Ordered*, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

Mr. Trimble, from the committee on Banks, to whom was referred a bill from the Senate, entitled,

An act to amend an act, dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State by the Banks of this Commonwealth,

Reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing the passage of a bill from that House, entitled,

An act for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

Mr. Bledsoe, from the committee on Propositions and Grievances, to whom was referred the petition of the citizens of Estill and Perry counties, praying for a new county—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Which was concurred in, and the petition withdrawn.

Mr. Bledsoe, from the same committee, to whom was referred the petition of sundry citizens of Harlan county, praying that a part of Knox county be added to Harlan county—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. Dorton moved to amend the same, by striking out the words "be rejected," and inserting the words "is reasonable."

And the question being taken thereon, it was decided in the negative.

Mr. Bledsoe, from the same committee, to whom was referred a bill to extend the jurisdiction of Harlan county—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Bledsoe, from the same committee, to whom was referred the petition of sundry citizens of Monroe county; of the citizens and Trustees of Augusta; of John Estepp, and of Wm. Sayers—reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected—which was concurred in.

Mr. Bledsoe, from the same committee, to whom was referred a bill from the Senate, entitled, an act to appoint Trustees for the town of Summersville—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the committee on Claims, to whom was referred the petition of Susan Trigg—reported the same with the following resolution, viz:

*Resolved*, That the said petition be rejected.

Mr. Morehead moved to amend said resolution, by striking out the words "be rejected," and inserting the words "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

*Ordered*, That said committee prepare and bring in a bill in pursuance of said petition.

Mr. Pope, from the same committee, to whom was referred a bill for the benefit of Thomas J. Brown—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Pope, from the same committee, who were appointed to prepare and bring in the same—reported a bill for the benefit of Thomas Brand.

Which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Pope, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Rebecca Evans—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill for the benefit of James Newton.

By the committee on Military Affairs—2. A bill for the benefit of James W. Finnie.

By same—3. A bill for the benefit of Fountain Cunningham.

By same—4. A bill for the benefit of George W. Williams.

By same—5. A bill for the benefit of John Steele.

By Mr. Waddle—6. A bill to amend the law in relation to the public highway in Mason county.

By the committee on Propositions and Grievances—7. A bill to authorize the Union County Court to change the location of that part of the State road leading from the mouth of Salt river to the Ohio, opposite to Shawneetown, within the county of Union.

By same—8. A bill to establish an election precinct in Christian county.

By same—9. A bill to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

By the committee on Privileges and Elections—10. A bill to abolish the election precinct at Peter Miller's, on Knob creek, in Bullitt county.

By the committee on Claims—11. A bill for the benefit of Joseph McDowell.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th and 11th, were ordered to be be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to authorize a change of venue in the trial of John S. Lasley—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act authorizing a change of venue in the case of the Commonwealth against Edward C. Wilkinson, Benjamin R. Wilkinson and John Murdough.

An act to extend the powers of the Trustees of the town of Burksville.

An act to establish the town of Rochester.

An act to provide a standard of weights and measures for the several counties of this State.

An act in relation to the roads in Clay, Perry, Knox, Laurel, Whitley and Harlan counties.

An act for the divorce of Adam R. Walker.

An act allowing two additional Justices of the Peace to Oldham county.

An act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.

An act to amend the charter of St. Joseph's College.

An act to amend the charter of Centre College.

An act to amend an act, entitled, an act to amend an act incorporating the town of Steamport, in the county of Henderson.

An act to change a part of the State road from Brandenburg to Bowling-green.

An act for the benefit of Maria Waller, an idiot.

An act for the benefit of John Griffith, guardian of the heirs of John Conway, Jr., dec'd.

An act to repeal an act, entitled, an act to incorporate the town of West Point, and for other purposes.

An act for the benefit of Charity Taylor.

An act for the benefit of Matthew Elder.

An act for the benefit of the Clerk of the Scott Circuit Court.

An act to change the bounds of the Seventh Division of Kentucky Militia, and for other purposes.

An act for the benefit of the Sheriffs of Estill and Pendleton counties.

An act to change the place of voting in the Stamping Ground precinct, in Scott county.

An act for the benefit of the Sheriff of Madison county.

An act for the benefit of the estate of Edmund Hall, deceased.

An act for the benefit of the mechanics of Maysville.

An act to change the venue in the case of John D. Perkins.

An act to incorporate the Trustees of the Rock Spring Church.

An act in relation to the registration of mortgages and deeds of trust.

An act for the benefit of Nancy Collins.

An act to change the place of voting in an election precinct in Cumberland county.

An act altering a Constable's district in Wayne county.

An act to change the name of Green Ruby to that of Green Kerley.

Approved Feb. 1, 1839.

An act for the benefit of the Madison Troop of Cavalry.

An act to provide for the extension of the Lexington, Nicholasville and Danville turnpike road from Danville, and to unite the same with the Louisville, Bardstown and Springfield turnpike road, at Springfield.

Approved Feb. 2, 1839.

An act to allow an additional Justice of the Peace for Nelson county.

An act for the benefit of Elisha C. Hampton.

An act to change the name of Jane Wright to that of Jane Dodd.

An act to repeal the law authorizing the County Court of Hardin to sell the poor house lands.

An act for the benefit of the estate of Lewis Fible.

An act to establish the town of Frederick, in Barren county.

An act to incorporate the Bank Lick Turnpike Road Company.

An act to amend an act incorporating a company to turnpike the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line, in a direction to Knoxville.

An act authorizing a survey of the road leading over Mount Scratchem and Old Landing Hills, in Estill county.

An act for the benefit of the heirs of Elijah Cummings, deceased.

An act for the benefit of Ransom Laswell, and others.

An act for the benefit of Mary Hughes, an infant.

An act to authorize a sale of a house and lot belonging to the heirs of Jacob Lyons, dec'd., a man of color.

An act for the benefit of Eliza Jane Grider.

An act for the divorce of Nancy A. Grant.

An act to authorize the Clerk of the Hancock county court to amend certain records in his office.

An act to repeal act, entitled, an act for the benefit of Wm. M. Simmons —approved Feb. 12, 1838.

An act to repeal the 4th section of an act, entitled, an act to establish a State road from Flynn's old ferry across the Ohio river, in Livingston county, to Princeton, in Caldwell county, and for other purposes—approved 25th February, 1836.

An act for the divorce of Lucy Graves.

An act for the benefit of Abraham Kightly.

An act for the benefit of Wm. P. Neale and others.

An act to repeal all laws declaring Little river a navigable stream above Alexander's Ford, and for other purposes.

An act for the benefit of Andrew Orr and Caroline Orr.

An act for the benefit of Charles S. Gatewood, and others.

An act to extend the Constable's district in the town of Salvisa, in the county of Mercer. Approved Feb. 6, 1839.

An act to establish the county of Breathitt.

An act to authorize a re-survey of so much of the State road leading from Hopkinsville to Morgantown, as lies within the county of Todd.

An act to provide for the permanent investment and application of the Craddock fund.

An act for the benefit of Mentor A. Shanks and Hannibal Abell.

An act for the benefit of the heirs and representatives of Robert Brenham and John Samuel.

An act to authorize the Trustees of the Brandenburg Academy to sell and convey a certain lot.

An act for the benefit of Wm. Herd.

An act for the benefit of James W. Bowers, Jailor of Campbell county.

An act authorizing a toll gate to be erected between Stanford and the Hanging Fork, in Lincoln county, and between the Anderson line, and a point five miles towards Harrodsburg.

An act for the benefit of the widow and heirs of Michael Chism.

An act to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

Approved Feb. 8, 1839.

And then the House adjourned.

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## MONDAY, FEBRUARY 11, 1839.

1. Mr. Daviess presented the petition of sundry citizens of Mercer county, praying an appropriation to John White, his wife having been delivered of three children at one birth.

2. Mr. Myers presented the petition of Richard Lucas, praying to be divorced from his wife.

Which were received, the reading thereof dispensed with, and referred—the 1st to the committee on Propositions and Grievances, and the 2d to the committee on Religion.

Mr. Hardy moved a resolution, which being amended to read as follows:

*Resolved*, That this House will not adjourn at an earlier hour than half after 3 o'clock, P. M., during the present week,

Was twice read, and adopted.

An engrossed bill, entitled, an act making an appropriation to the Anderson County Seminary—was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Myers—1. A bill to authorize the administrator of William and James Rout, dec'd., late of Campbell county, to convey land sold by them, and not conveyed in their life time, in certain cases.

On the motion of Mr. Goodson—2. A bill to amend the charter of the city of Covington.

*Ordered*, That the committee for Courts of Justice prepare and bring in the 1st, and Messrs. Goodson, Thomas and Swope the 2d.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the divorce of Hugh Lane.

And had received official information that the Governor had approved and signed sundry enrolled bills which originated in the Senate of the following titles, viz:

An act authorizing Samuel Arnett to qualify as High Sheriff of Nicholas county. Approved, Jan. 28, 1839.

An act for the benefit of the Sheriffs of Casey and Pulaski counties.

An act giving Sheriffs further time to return their delinquent lists of revenue tax for 1838.

An act for the benefit of the Sheriff of Green county.

An act for the divorce of Sarah Jane Phelps.

An act to incorporate the Mount Vernon Academy, in Christian county.

An act for the benefit of the Spencer county Seminary.

An act giving Harris W. Thompson, late Deputy Sheriff of Greenup county, further time to return his delinquent list of muster fines.

An act for the benefit of the Lunatic Asylum.

An act for the benefit of Mason W. Sherrell.

An act to authorize the sale of the Seminary lands of Wayne county.

Approved, Feb. 1, 1839.

An act to prohibit unlawful dealing by corporations, and the better to protect the currency.

An act to incorporate the Louisville Law Library Company.

An act for the benefit of Edward McCoy and Wm. Crabtree.

An act for the benefit of Margaret B. White.

An act for the benefit of the heirs of Ruth and Polly Pointer.

And an act for the benefit of Joseph Dawson.

An act for the benefit of the heirs of Francis Blaydes, dec'd.

An act to provide for re-binding certain record books of the Shelby County Court.

An act to amend an act incoroporating the stockholders of the Merchants' Louisville Insurance Company.

An act to repeal the 10th section of an act to incorporate a fire company in the town of Cynthiana, and for other purposes—approved January 27th, 1838.

An act to amend an act to provide against compounding penal prosecutions, approved Feb. 3, 1837.

An act to amend an act, entitled, an act for the benefit of the estate of Joseph Spencer, dec'd., approved Feb. 16, 1838.

An act to amend an act, entitled, an act to establish the Louisville Chancery Court.

An act providing for a change of venue from the Greenup Circuit Court to Morgan Circuit Court, in the case of John C. Ball, and others.

An act to amend an act, entitled, an act to incorporate the town of Albany, in Clinton county, and Ballardsville, in Oldham county—approved January 27, 1838.

An act for the benefit of the heirs of John G. Evans, and the heirs of James Wilson,

An act the better and more effectually to protect the rights of reversionary legatees.

An act to establish the town of Lovelaceville, in the county of McCracken.

An act to amend the charter of the city of Maysville.

An act to alter the time of holding the Chancery Court in the county of Madison, and for other purposes.

An act for the benefit of George H. Clements and others.

An act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved Feb. 24, 1834.

An act for the benefit of the estate of Leonard Hamilton, dec'd.

An act further regulating the duties of Clerks of Circuit Courts.

An act authorizing a fund to be raised by lottery for the endowment of a male and female Academy in the town of Paducah, and for other purposes.

An act to authorize the city of Lexington to borrow money for certain purposes.

An act to allow an additional Justice of the Peace to Green county.

An act to change the name of Mary Roberts to Mary Clifton.

An act for the benefit of the Sheriffs of Spencer and Breckinridge counties.

An act to amend an act concerning the town of Hardinsburg.

An act for the divorce of Jeremiah Delph.

An act to establish an election precinct in the town of Lovelaceville, in McCracken county.

An act for the relief of the Sheriff of Logan county.

An act to close up part of a certain street in the town of Cadiz.

Approved Feb. 8, 1839.

Mr. Buckner, from the committee for Courts of Justice, to whom was referred bills from the Senate, entitled,

An act to change the time of holding certain Circuit Courts, and for other purposes.

An act for the benefit of Patsey, Jane, and Daniel Hazlewood,

Reported the same without amendment.

And the question being taken on ordering said bills to be read a third time, it was decided in the negative.

And so the said bills were disagreed to.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act to incorporate the Blue Lick Hotel and Water Company.

An act to regulate the administration and settlement of estates.

An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their Trustees, and for other purposes—approved Feb. 9, 1837.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16, 1838.

An act for the benefit of Mary McBrayer and her children.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act to amend the 7th section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Apperson, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act to amend the law concerning the action of trespass.

An act for the benefit of Harrison Rankin, and wife, and children.

An act for the benefit of the estate of Franklin C. Averill.

An act to incorporate the Maysville Lyceum,

Reported the same without amendment.

*Ordered*, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

Executive Department,
*Frankfort, February* 11, 1839.

*Gentlemen of the Senate*
*and House of Representatives:*

In compliance with a request of the General Assembly of the State of Alabama, I herewith transmit "a joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the general government."

JAS. CLARK.

---

Executive Department,
*Tuskaloosa, January* 30*th*, 1839.

Sir:

I have the honor to enclose you a copy of a joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to cer-

tain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the general government.

With perfect respect,
I have the honor to be,
Your Excellency's most ob't. sev't,
A. P. BAGBY.

*His Excellency,*
*the Governor of Kentucky.*

---

*Joint preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain joint resolutions of the Commonwealth of Kentucky, touching the currency and the administration of the general government.*

WHEREAS, certain joint resolutions of the General Assembly of the Commonwealth of Kentucky, entitled, "joint resolutions in relation to the currency and the administration of the general government," have been communicated to this General Assembly, by the Governor of this State, agreeable to a request prefered in said joint resolutions. These resolutions deplore the evils produced in the country by the general suspension of specie payments in May, 1837; they charge these evils mainly to the acts of the late administration, especially to the veto of the bill rechartering the late Bank of the United States, the removal of the deposits and the specie circular; they charge the present Executive of the United States with a want of sympathy with the people, whom they are pleased to represent as "suffering," and with cold indifference to the country whose condition they are pleased to consider "lamentable," and as being anxious only "to supply the wants of the Treasury, and to protect the interests of the official corps;" they denounce the Independent Treasury Scheme as tending "to augment executive power—to the engrossment by the Executive of the United States of all the paper emissions—to place in his possession, or under his control, a great portion of the specie of the country—to abuse, waste and corruption"—and finally, to "the union of the purse and the sword;" and they express great satisfaction at the defeat of the bill, having for its object, the establishment of this system, at the last session of Congress. They express deep regret that the present Chief Magistrate of the United States, heedless of experience, as they pretend, is resolved to persevere in ruining the country and destroying the liberties of the people; they declare that it is the duty of the federal government "to secure a general medium of circulation of uniform value throughout the United States, and recommend a United States Bank as the most efficient means for the accomplishment of such an end; they charge the late administration of the federal government with "wasteful extravagance," and the late President with "abuse, encroachments and usurpations;" and, finally, they declare that "every consideration of safety, of interest and pride of national character, demands a thorough reform of the administration of the general government." The General Assembly of the Commonwealth of Kentucky, in communicating, in this form, her own views and opinions on the various subjects to her sister States, it was doubtless intended, and desired by the Commonwealth of Kentucky,

to elicit ours in return. In response to the General Assembly of the Commonwealth of Kentucky, touching the premises,

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That this State does not concur with the Commonwealth of Kentucky in the views and opinions expressed by the latter, in her resolutions aforesaid, on any one of the prominent or important questions therein presented, but that on the contrary, those views and opinions generally meet our decided dissent. We disagree with our sister Kentucky respecting the causes of the late suspension of specie payments and its consequent evils, and insist that the same was mainly attributable to other causes than any action of the federal government. We eschew a National Bank in every form in which it can be presented, and heartily applaud the late President for the virtue and firmness with which he combatted and finally overthrew that strong tower of federalism and aristocracy, the late Bank of the United States. We deny that it is either the right or the duty of the federal government, to furnish a general currency for the country, the right and duty of that government in this regard, begin and end, as we conceive, with furnishing a currency standard of value, and with preserving and maintaining that standard by suitable regulations respecting her own receipts and disbursements. We consider the charge of want of sympathy with the people, and of indifference to the interests of the country, made against President Van Buren, as the mere ebullition of political animosity, without truth or reason to support it.

*Resolved*, That we esteem ourselves a prosperous, free and highly favored people, and cannot be persuaded either that we are "suffering," or that the condition of our country is "lamentable."

*Resolved*, That we admire, approve, and will cordially support the separation of Bank and State, and the establishment of an Independent Treasury, and confidently expect the intrinsic merits of this great measure ultil mately to vindicate its claims, with an intelligent and patriotic people, over selfishness, passion and political prejudices.

*Resolved*, That we have listened, without emotion, to the expressions of our sister Kentucky about "the union of the purse with the sword, and the ruin of the country and of liberty;" the defeated and disappointed panic-makers of the last six years, have made such language trite and familiar.

*Resolved*, That we are satisfied with the present administration and its leading measures; we want no reform, and least of all, such a reform as our sister Kentucky would be likely to give us—a National Bank, a protective tariff—a grand and corrupting system of internal improvement of the federal government.

*Resolved*, That we view, with mingled sorrow and indignation, the charge of "abuse, encroachments and usurpations" made against the venerable retired patriot of the Hermitage. Passion and prejudice may do their worst—he is beyond their reach. In the eloquent language of another, "he has carried the star of his civil fame to the highest point in the political firmament, there to remain forever scaring the eyeballs of envy, but cheering the heart and guiding the footsteps of patriotism, and shedding its benign influence on the freedom, happiness, prosperity and glory of his country."

*Resolved*, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to the Governor of the Commonwealth of Kentucky, with a request that he will lay the same before the General Assembly of that Commonwealth.

J. W. McCLUNG,
*Speaker of the House of Representatives.*
JAMES M. CALHOUN,
*President of the Senate.*

Approved January 26, 1839.
A. P. BAGBY.

Mr. Buckner, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the town of Rumsey—reported the same with amendments, which were concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be amended to read as follows:

An act to incorporate the town of Rumsey, and to amend the charter of the town of Caseyville, in Union county.

Mr. Field, from the committee on Internal Improvement, to whom was referred a bill authorizing the condemnation of land for toll houses—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

An act changing the terms of the Court of Appeals, and for other purposes.

An act to amend the law of petition and summons, and actions on joint contracts.

An act to amend the charter of the town of Paducah,

Reported the same, with amendments to each, which were concurred in.

*Ordered*, That the said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Apperson, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend an act to alter the mode of sum-

moning petit juors—reported the same with amendments, which were concurred in.

Mr. Harris moved to amend said bill, by adding thereto the following, viz:

*Be it further enacted*, That Grand Jurors shall receive the sum of one dollar for each day they serve, which shall be paid in the same manner as they are now paid by the present law.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Harris and Buford, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | Myers, |
| Anderson, A. | Fox, | Newell, |
| Andrews, | Gano, | Newton, |
| Apperson, | Goble, | Pirtle, |
| Ballard, | Goodson, | Purdy, |
| Basye, | Gough, | Reeves, |
| Blair, | Graham, | Ritter, |
| Bledsoe, | Gray, B. E. | Rodes, |
| Bodine, | Gray, N. E. | Root, |
| Bradley, | Haggard, | Rowan, |
| Bradshaw, | Hardy, | Rowlett, |
| Brooks, | Harris, | Royston, |
| Browder, | Heady, | Sharpe, |
| Buford, | Hopkins, | Smith, I. |
| Buckner, | Howard, | Smith, L. B. |
| Burden, | Hughes, | Sutton, |
| Butler, | Jasper, | Swope, |
| Coleman, | Johnson, | Taggart, |
| Coffey, | Latimer, | Thornburg, |
| Combs, | Lecompte, | Todd, |
| Cornish, | McBrayer, | Trumbo, |
| Daviess, | McElroy, | Wade, |
| Dorton, | McFall, | Walker, |
| Edmonson, | Mims, | White, |
| Ellison, | Morris, | Yates—76. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | McClung, | Rudd, |
| Messrs. Cofer, | McClure, | Shanklin, |
| Dohoney, | O'Bannon, | Slaughter, |
| Field, | Pope, | Trimble—13. |
| Marshall, | | |

*Ordered*, That the said bill be read a third time, as amended.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be amended to read,

An act to amend an act to alter the mode of summoning Petit Jurors, and for other purposes.

Mr. Apperson, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the town of Louisa, in Lawrence county—reported the same with amendments, which were concurred in.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Andrews, from the same committee, to whom was referred a bill to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Andrews, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of John Myers.

A bill to reduce into one, the several attachment laws, and for settling the proceedings on attachments against absconding debtors,

Reported the same without amendment.

*Ordered*, That said bills be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Apperson, from the committee for Courts of Justice, who were appointed to prepare and bring in the same—reported a bill to authorize the taking of depositions in certain cases.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Buford moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Buford and Fox, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Field, | Pope, |
| Ballard, | Gray, B. E. | Redd, |
| Bradley, | Gray, N. E. | Reeves, |
| Buford, | Haggard, | Rowlett, |
| Burden, | Hardy, | Shanklin, |
| Butler, | Hopkins, | Smith, L. B. |
| Clay, | Lecompte, | Swope, |
| Coleman, | McClure, | Thomas, |
| Cofer, | Mims, | Todd, |
| Coffey, | Morehead, | White, |
| Combs, | O'Bannon, | Yates—35. |
| Daviess, | Pirtle, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Goodson, | Newell, |
| Apperson, | Gough, | Newton, |
| Basye, | Graham, | Purdy, |
| Blair, | Harris, | Ritter, |
| Bledsoe, | Heady, | Rodes, |
| Bodine, | Howard, | Rowan, |
| Brooks, | Hughes, | Royston, |
| Browder, | Jasper, | Sharpe, |
| Cornish, | Latimer, | Slaughter, |
| Dorton, | Marshall, | Sutton, |
| Edmonson, | McBrayer, | Taggart, |
| Ellison, | McClung, | Thornburg, |
| Finn, | McElroy, | Trimble, |
| Fox, | Morris, | Trumbo, |
| Gano, | Myers, | Walker—46. |
| Goble, | | |

*Ordered*, That said bill be engrossed and read a third time.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. B. E. Gray—1. A bill allowing an additional Justice of the Peace to the county of Logan, and an additional Constable to Hopkins county.

By Mr. Todd—2. A bill to change the name of Eloisa Rook to that of Eloisa Marshall.

By the committee for Courts of Justice—3. A bill to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land.

By same—4. A bill for the infant heirs of Edward Hord, dec'd.

By same—5. A bill to continue in force an act for the benefit of the holders of head right certificates.

By same—6. A bill to amend an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers a preference of location to lands improved by them.

By same—7. A bill authorizing a sale of land and slaves descended to Mary McPheters.

By same—8. A bill for the benefit of Anne H. Blair, and the widow and heirs of Wm. C. Warfield.

By same—9. A bill for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

By same—10. A bill concerning the estate of Daniel Riley, dec'd.

By same—11. A bill regulating the issuing of executions from the Court of Appeals.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

Mr. A. Anderson, from the committee on the Expenditures of the Board of Internal Improvement, made the following report:

[*For this report—see Appendix.*]

*Ordered*, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

The House then took up for consideration, the bill from the Senate, entitled, an act prescribing the duties of the Keeper and Clerk of the Penitentiary, and the amendments proposed thereto by the committee on the Penitentiary.

Mr. Hardy moved a re-consideration of the vote adopting the resolution offered by him on this day, and it was decided in the affirmative.

And then the House adjourned.

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## TUESDAY, FEBRUARY 12, 1839.

1. Mr. Bledsoe presented the petition of John G. Scroggin, praying for the passage of a law authorizing Surveyors to administer oaths in certain cases.

2. Mr. S. H. Anderson presented the petition of the County Court of An-

derson county, praying permission to increase their county levy at their next March or April terms.

3. Mr. Field presented the petition of sundry citizens of Louisville, praying an act of incorporation for the Hibernian Benevolent Society.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 3d to the committee for Courts of Justice, and the 2d to the committee on Internal Improvement.

The Speaker laid before the House, the report of the Chief Engineer, as to the amount of work done on Lock and Dam No. 2, on Green river, which is as follows, viz :

Engineer's Office,
*Frankfort, February* 9, 1839.

Sir:

I have the honor to transmit, herewith, to be laid before the House of Representatives, an estimate of work done upon Lock and Dam No. 2, of the Green river navigation.

I am, sir, very respectfully,
Your ob't servant,
SYLVESTER WELCH,
*Chief Engineer of Kentucky.*

Honorable Robert P. Letcher,
*Speaker of the House of Representatives.*

---

Engineer's Office,
Frankfort, *February 4th.* 1839.

*To the General Assembly*
*of the Commonwealth of Kentucky:*

In compliance with the provisions of an act of Assembly, entitled, an act for the benefit of McRery, Fleming & Tomb, approved February 12th, 1838—I have examined Lock and Dam No. 2, of the Green river navigation, and have made an estimate of the cost of building the same, at the average prices, as nearly as can be ascertained, paid, or agreed to be paid, for building Locks No. 3 and 4, upon Green river, and No. 1 upon Barren river.

The contracts for building Dams and Locks No. 3 and 4 upon Green river, and No. 1 upon Barren river, were made in June, 1836. The dams are paid for by the foot in length, measured across the stream, from abutment to abutment. The locks are paid for by the perch—each perch to contain 25 cubic feet. The price fixed by the contract for dam No. 3, is $55 25 per foot; for dam No. 4, $59 per foot; for dam No. 1, in Barren river, $57 per foot. The contract price for the locks is, for No. 3, in Green river, $8 75 per perch; for No. 4, $8 50 per perch, and for No. 1, in Barren river, $8 25 per perch.

The graveling of the dams and the foundations of the locks, the necessary excavations and embankments, &c., are not included in the above prices; but are paid for separately, and according to the amount of work done.

By the bills of materials exhibited when the contracts were made, it appears that the average quantity of materials in a foot in length of dam No.

3, and which were included in the price of $55 25, was, of flatted and square timber, 98 feet; of plank covering, board measure, 448 feet; of iron bolts and spikes, 12 pounds; of stone filling, 27 cubic yards. These quantities, multiplied by the following prices, viz: For the flatted and square timber, 17 cents per foot; for the plank covering, board measure, 2 cents per foot; for iron bolts and spikes, 15 cents per pound, and for the stone filling, 100 cents per cubic yard—gives $55 22, which is about the contract price for the dam. These appear to be about the average prices, when the quantity of materials is considered, for dam No. 4, upon Green river, and dam No. 1, in Barren river.

Applying these prices to the quantity of materials in each foot in length of dam No. 2, the result will be—

| | | |
|---|---|---|
| 65.01 | feet of timber, at 17 cents per foot, - - - - | $11 05 |
| 162.30 | feet, board measure, of plank covering, at 2 cts. per foot, - | 3 24 |
| 11.32 | cubic yards of stone filling, at 100 cents per yard, - - | 11 32 |
| 32.94 | pounds of iron bolts and spikes, at 15 cents per lb., - | 4 94 |
| Cost of dam, per foot in length, - - - - - - | | $30 55 |

The length of the dam, 680 feet, multiplied by $30 55, gives $20,774 as the cost of the dam, (exclusive of graveling and excavations) estimated at the price paid for dams put under contract in the summer of 1836.

The price paid for graveling dam No. 3, is 50 cents per cubic yard. The quantity of graveling upon dam No. 2, is 11,105 cubic yards; and 11,105, multiplied by 50 cents, gives $5,552 50. The amount paid for this graveling under the contract, is $4,442—being 40 cents per cubic yard.

The contract price for the abutment of the dam, is $4 per perch, and the quantity of masonry is 644 perches. At the three other dams above mentioned, there is no price fixed by the contracts for the abutments. According to the estimate of Mr. Livermore, the Resident Engineer, the value or cost of the work, estimated at prices for other work at the three dams above, would be about $6 per perch.—644 perches, multiplied by $6, gives $3,864.

The quantity of masonry in the lock walls is estimated at 4,741.65 perches. This, multiplied by $8 50, the average price paid for masonry at the other three locks, gives $40,303 72, as the cost of the lock, exclusive of the foundation, and the excavations and embankments. There was, of excavation of rock in the lock pit, 1,824 cubic yards: the price paid for excavating rock at lock No. 3, is $1 50 per yard. This, multiplied by 1,824 yards, gives $2,736.

The prices for excavating earth, for puddling, &c., at lock No. 3, are higher than the prices fixed by the contract for lock No. 2. In the following statement, the prices for excavation, embankment, &c., are the same as paid at dam No. 3. For the prices fixed by the contract, for the lock and dam No. 2, see the accompanying copy of the first estimate for work done upon the lock and dam.

LOCK, AND WORKS CONNECTED WITH IT.

| | | |
|---|---|---|
| 4,741.65 | perches of masonry in lock, at $8 50 per perch, | $40,304 02 |
| 1,824 | cubic yards of rock in lock pit, at $1 50 per cub. yard, | 2,736 00 |
| 1,165 | cubic yards of earth excavation, pit, at 50 cts. per cub, yd. | 582 50 |
| 1,286 | cubic yards, puddling and gravel, in lock embankment, at 50 cents per cubic yard, | 643 00 |
| 2,340 | cubic yards embankment, of lock, at 30 cents, | 702 00 |
| 4,260 | lineal feet of timber, in foundation, at 12 cents, | 511 20 |
| 5,700 | square feet of three inch plank, do. at 6 cents, | 342 00 |
| 3,500 | square feet of two inch plank, do. at 5 cents, | 165 00 |
| 1,903 | cubic yards excavation of rock in channel, below the lock, at $1 25, | 2,378 75 |
| *130 | perches masonry, taken up on account of increasing the length of the lock, at $3, | 390 00 |
| *4,800 | square feet timber, in extra floor, at 10 cents, | 480 00 |
| *2,600 | pounds of iron in do. at 12 cents, | 312 00 |
| *588 | feet of timber, in extra gate bars, at 15 cents, | 88 20 |
| *840 | lbs. of iron in the gate bars, at 12½ cents, | 105 00 |
| *1,400 | cubic yards ex. above lock, at 12½ cents, | 175 00 |
| *5,765 | cubic yards in channel, below the lock, at 10 cents, | 576 50 |
| *134 | days' work, sloping bank above lock, | 134 00 |
| * | Grubbing and cutting timber off bank, | 55 00 |
| * | Stop gate, and timbers across head of lock, | 125 00 |
| * | Inscription stones in lock wall, | 120 00 |
| * | Taking up and re-laying mitre sill, | 30 00 |
| * | Extra wrought and cast iron in lock and gates, | 800 00 |
| *585½ | perches slope wall and pavement, at $2 50, | 1,463 75 |
| *237 | perches batter wall, at $3 25, | 770 25 |
| | Work done by Glenn, not included, | 1,043 00 |

DAM, AND WORKS CONNECTED WITH IT.

| | | |
|---|---|---|
| 644 | perches masonry in abutment, at $6, | 3,964 00 |
| | Cutting stone in abutment, not provided for by contract, | 350 00 |
| 680 | feet in length of dam, at $30 55, | 20,774 00 |
| 11,105 | cubic yards of graveling, at 50 cents, | 5,553 50 |
| 1,164 | cubic yards of embankment of abutment, at 30 cents, | 349 20 |
| 340 | cubic yards of puddling of abutment, at 50 cents, | 170 00 |
| 81 | cubic yards excavation of earth, at 75 cents, | 60 75 |
| *4 | triangular pier heads, at $380, | 1,520 00 |
| | Cribwork below abutment, | 550 00 |
| * | Add $4 to each lineal foot of dam, as compensation for increased height, | 2,720 00 |
| *97 | days' work, excavating deposit, above lock, | 125 00 |
| *18 | days' clearing mud in abutment, | 18 00 |
| *81.80 | perches slope wall and pavement, at $2 50, | 204 50 |
| *40 | perches promiscuous wall, at $1, | 40 00 |
| | Amount carried forward, | $91,430 12 |

| | | |
|---|---|---|
| Estimated cost of lock and dam No. 2, at the prices paid for work at lock and dam No. 3, &c., as far as the items were embraced in the contract—items not embraced in the contract, are estimated at what the Resident Engineer deemed a fair value of the work when it was done, - - - - - - | | $91,430 12 |
| Damages done by timber cut from the banks of the river, and paid for under the provisions of the act above referred to:— | | |
| 7,240 feet of timber, to re-place timber carried away by the flood, at 12½ cents, - - - - | | 905 00 |
| 1,200 feet of plank, at 9 cents, - - - - | | 108 00 |
| 2,410 cubic yards crib filling, at 100 cents, - - - | | 2,410 00 |
| 250 pounds of iron, at 12½ cents, - - - | | 31 25 |
| Estimated damages where the timber was not measured, - | | 500 00 |
| Estimated cost of lock and dam No. 2, at prices as stated above, including the cost of repairing damages done by timber cut from the banks of the river, - - - | | $95,384 37 |

The items marked thus (*) were not embraced in the contract; but the work was added, and the price paid for it was fixed by the Resident Engineer, according to his understanding of its value at the time it was done, under a provision of the contract.

The prices paid for locks Nos. 3 and 4, in Green river, and No. 1 in Barren, appeared to be about a fair value of the work, when the cost of labor and subsistence for workmen is considered. The prices for the dams are considerably higher than the prices paid upon Kentucky and Licking rivers, when the quantity of materials and labor in both are compared. Some of the other items of work are also higher.

Respectfully submitted.

SYLVESTER WELCH,
*Chief Engineer of Kentucky.*

| | | |
|---|---|---|
| NOTE.—The amount of the final estimate, as made out by the Resident Engineer for lock and dam No. 2, exclusive of $150 paid for letting boats through the lock, and including $2,216 10 paid as damages done by the timber cut from the banks of the river, is | | $74,272 84 |
| Additional allowance for damages, made by order of the Board of Internal Improvement, - - - - | | 1,738 15 |
| | | $76,010 99 |
| The work executed under the contract of Jas. Glenn, am'ted to | | 11,555 71 |
| Work executed under the contract of McRery, Fleming and Tomb, - - - - - - - | | 64,445 28 |

Mr. Hardy, from the joint committee on Enrollments, reported that the commitee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Clerks of the Henderson, Barren, Simpson Logan and Union Circuit and County Courts.

An act for the divorce of Hugh Lane.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

Mr. Dohoney moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of authorizing a sum of money heretofore appropriated to the improvement of Green river, from Greensburg to Page's warehouse, to be expended in improving the road leading from Greensburg to Columbia.

Which being twice read, was concurred in.

*Ordered*, That the bill for the benefit of John Steele, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act providing for a change of venue in the case of the prosecution against Joseph McMillan—was read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act for the benefit of the Clerks of Clinton, Adair and Cumberland counties,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Ellison—1. A bill to establish an election precinct in Seventy Six, in Clinton county.

On motion of Mr. Andrews—2. A bill for the benefit of Robert G. Lewis, a Justice of the Peace in Fleming county.

On motion of Mr. Trimble—3. A bill for the benefit of the Frankfort Fire Company.

On motion of Mr. Root—4. A bill for the benefit of Gallatin county.

On motion of Mr. Myers—5. A bill to extend the limits of the town of Williamstown, in Grant county.

On motion of Mr. Cofer—6. A bill for the benefit of certain clients of this Commonwealth.

*Ordered*, That the committee on Privileges and Elections prepare and bring in the 1st; Messrs. Andrews, Blair, Sharp and Myers the 2d; the committee for Courts of Justice the 3d and 4th; Messrs. Myers, Latimer and Brooks the 5th; and Messrs. Cofer, Hardy and Todd the 6th.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the divorce of Rhoda Lytle.

By same—2. A bill for the divorce of Rebecca Hutchinson.

By Mr. Sutton—3. A bill to amend an act, entitled, an act to regulate the election of Trustees of the town of Scottville.

By same—4. A bill to authorize the election of Trustees in the town of Port Oliver, in the county of Allen.

By Mr. McBrayer—5. A bill to extend the August term of the Anderson Circuit Court.

By Mr. Goodson—6. A bill to amend the charter of the city of Covington.

By Mr. Blair—7. A bill for the benefit of Robert G. Lewis.

By Mr. Trimble—8. A bill further to regulate the establishing of ferries and the granting of ferry privileges across the Ohio river, and for other purposes.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 2d, 3d, 4th, 5th, 6th and 7th bills were ordered to be engrossed and read a third time, and the 8th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th and 7th bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

Mr. A. Anderson, from the select committee appointed to prepare and bring in the same—reported a bill for the benefit of Jas. Simpson and others.

Which was read the first time.

On motion of Mr. Thornburg,

*Ordered*, That said bill be laid on the table.

Mr. Edmonson moved a re-consideration of vote refusing to engross and order to a third reading, the bill to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Railroad Company, on certain terms and conditions.

Mr. N. E. Gray moved to lay said motion on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. S. H. Anderson and Sprigg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Graham, | Pirtle, |
| Blair, | Gray, N. E. | Pope, |
| Bodine, | Hardy, | Purdy, |
| Bradley, | Hopkins, | Redd, |
| Bradshaw, | Howard, | Reeves, |
| Bullock, | Hughes, | Ritter, |
| Buckner, | Latimer, | Rowan, |
| Burden, | Lecompte, | Rowlett, |
| Butler, | Marshall, | Smith, I. |
| Cofer, | McBrayer, | Sutton, |
| Dohoney, | McClung, | Taggart, |
| Ellison, | McClure, | Todd, |
| Field, | McElroy, | Wade, |
| Finn, | Mims, | Walker—44. |
| Gough, | Newton, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | O'Bannon, |
| Messrs. Allen, | Dorton, | Rodes, |
| Anderson, A. | Edmonson, | Root, |
| Anderson, S. H. | Fox, | Royston, |
| Andrews, | Gano, | Shanklin, |
| Apperson, | Goble, | Sharpe, |
| Bailey, | Goodson, | Slaughter, |
| Basye, | Gray, B. E. | Smith, L. B. |
| Bledsoe, | Haggard, | Sprigg, |
| Brooks, | Heady, | Swope, |
| Browder, | Jasper, | Thomas, |
| Buford, | Johnson, | Thornburg, |
| Clay, | McFall, | Trimble, |
| Coleman, | Morehead, | Trumbo, |
| Coffey, | Morris, | White, |
| Combs, | Myers, | Wintersmith, |
| Cornish, | Newell, | Yates—51. |

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, on the bill to establish Orphans' Courts in this Commonwealth, Mr. McElroy in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. McElroy reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the bill to this House without amendment.

The said bill reads as follows:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Court of Prodate shall be held within the several counties of this State, to be styled "The Orphans' Court," and there shall be an able and learned person in each county of this State, appointed as provided in the Constitution, Judge of said Court, for taking the probate of wills and granting letters of administration on the estate of persons deceased, being inhabitants of, or resident in the same county at the time of their decease, or of those who may have died out of the State, but having estate of some character in such county; for appointing guardians to minors, idiots, lunatics, and persons *non compos mentis;* for examining and settling the accounts of executors, administrators or guardians: with full jurisdiction of all testamentary and other matters, as hereinafter provided, pertaining to an Orphans' Court, or Court of Probate, in their respective counties; and which court shall be a court of record.

SEC. 2. The said Judge of Probate shall continue in office during good behavior, and may be removed in the manner prescribed for the removal of a Circuit Judge. That all process, orders and decrees of said Court, shall be enforced, executed and returned, in the same manner, and under the like pen alties, as the process, orders and decrees of a Circuit Court of the State, are enforced, executed and returned.

SEC. 3. It shall be the duty of the Judge of Probate, before he enters upon the duties of his office, to take an oath to support the Constitution of the United States, and to be true and faithful to the Commonwealth of Kentucky; he shall take the usual duelling oath, and, also, that he will faithfully discharge the duties of his office to the best of his ability. And it shall be further his duty, to keep and preserve all records, files, papers and proceedings of the said court; to record all last wills and testaments, duly proved and approved; all accounts finally allowed; all inventories, appraisments, and sale bills, duly made and sworn to; to issue all citations, subpœnas, and other process, which may be necessary in the due administration of justice in the said court.

SEC. 4. The said Judge shall, before he enters upon the duties of his office, give bond, payable to the Commonwealth, in the penalty of two thousand dollars, with one or more good sureties, to be approved by the Circuit Judge who presides in such county, which bond shall be conditioned faithfully to discharge the duties of said office, and seasonably to record all last wills and testaments, and other instruments of writing required by law to be recorded in his court, in a well bound book or books, to be kept for that purpose; and safely to keep all books, papers, records, tables, presses and other things appertaining to his office; which shall be recorded in the office of the clerk of the Circuit Court of the county, and by him safely kept. The said bond shall not be void on the first recovery, but may be put in suit and prosecuted, from time to time, for the use of any party injured, until the whole sum of the penalty be recovered; and the Circuit Judge may, at any time, require an additional bond to be executed.

SEC. 5. It shall be the duty of the Judge of Probate, of each county in this State to hold a court, at the court house of his county, on the fourth Thursday in every month, which may continue for six days, if the business to be done cannot be sooner finished; and the Sheriff or Coroner, (as the

case may require,) of the county, shall attend said court, and shall execute all summons or other process to him directed, from the Orphans' Court of his or any other county within the State, and shall make returns thereof according to the tenor of the same; and on failure, he shall be liable to be proceeded against, in the same manner as for like failure in other cases.

Sec. 6. The Judge of Probate, in each county, shall be, and he is hereby authorized, as often as he may deem it necessary, to hold a special term of the Orphans' Court of his county, on ten days notice being given, either personally upon those interested in the business, or by advertisement at the court house, and two other public places in the county; and at such term no other business shall be transacted, heard, or determined, other than that which shall be particularly mentioned in such notice or advertisement aforesaid.

Sec. 7. Whenever either of the parties having a contest in the Orphans' Court shall require, the said court may direct a plenary proceeding, by bill or petition, to which there shall be an answer, on oath, (or affirmation;) and if the party refuse to answer, on oath or affirmation, (as the case may require,) to any matter alleged in the bill or petition, and proper for the court to decide upon, the said party may be attached, fined and committed, at the discretion of the court, and the matters set forth in the said bill or petition shall be taken *pro confesso*, and decreed accordingly.

Sec. 8. On such plenary proceeding, all the depositions shall be taken in writing, and recorded; and in case either party shall require, the court shall direct an issue or issues to be made up, and send the same to the Circuit Court of the county; and the said issue or issues shall be tried in the said Circuit Court as soon as may be, without any continuance longer than is necessary to procure the attendance of a witness or witnesses; and the power of the said court, and the proceedings relative thereto, shall be, as in other cases, respecting the trial of issues; and the Orphans' Court (the verdict of the jury having been certified in such case,) shall give judgment or decree upon the bill and answer, or upon bill, answer, depositions or finding of the jury; and in all cases of contest, the Orphans' Court may award costs to the party, in their opinion, entitled thereto, and may compel payment, by attachment of the body, or of the goods and chattels, or by execution against the party, against whom such costs shall be awarded.

Sec. 9. The Judge of the Orphans' Court, in each county, shall, in all cases, have power to issue a summons for any person concerned in the affairs of a deceased person, or for any witness or other person, whose appearance in said court may be deemed necessary and proper; and the summons shall be returnable, at the discretion of the court, at some regular term thereof, unless it be for a witness, which may also be returnable to any special term; and should such process of the court, after having been duly executed and returned, be not obeyed, the said court may punish such delinquent by fine or imprisonment, or both; the fine not to exceed twenty dollars, nor the imprisonment more than ten days. The court shall, also, have the power to force the attendance of such person as may be duly summoned, as aforesaid, by having his or her body attached, as in cases of contempt of process emanating from the Circuit Court; and should any such person as may be summoned, as aforesaid, refuse to answer when present, either as defendant or witness, such interrogatories as may be deemed essential to the

just settlement of the case, the Judge of the said Court shall have power to imprison such person until he or she shall answer such interrogatories.

SEC. 10. The Orphans' Court in each county shall have a seal for the said court, to be fixed to such records as may be necessary. And it shall be the duty of the County Court of each county to levy a sufficient sum, and to pay for said seal.

SEC. 11. The books, presses and tables, for said court, shall be paid for out of the Treasury of the State; the Judge of said court having first sworn to his account for the same, before the Circuit Court of his county, and which account shall be certified with other claims by the Clerk of the Circuit Court.

SEC. 12. Any person who may conceive himself or herself aggrieved by any final judgment, decree, descision, or order, of the Orphans' Court, shall have the liberty of appealing to the Court of Appeals, or may sue out a writ of error and obtain a supersedeas, under the same rules nnd regulations as are provided in cases from the Circuit Courts. The penalty of all appeal bonds to be fixed by the Judge of the Orphans' Court, who shall also be satisfied with the sufficiency of the surety; and the condition of all appeal and supersedeas bonds shall be the same as those provided for in appeals or writs of error with supersedeas from the Circuit Courts; which bonds may be proceeded on, and recovery had, by any person or persons whose rights may have been improperly affected thereby; and like damages shall be given on the affirmance of any such judgment, decree, decision, or order of said court, as are given on affirmances in like cases from judgments or decrees of Circuit Courts. That whenever any party may wish to appeal from, or sue out, a writ to reverse any decision of the said Court of Probate, it shall be done by bill of exceptions, setting forth all the testimony in the case except that which may already be in writing, which may be incorporated in the record by reference to it in the bill of exceptions: provided, that when the question shall arise on the validity of a will, any party complaining of such decision as may be given by the court, may translate the same to the Court of Appeals, where the validity of such will shall be tried, as at present; and said Court of Appeals shall hear such parol legal testimony as may be offered by either party. The Probate Judge shall make out a complete transcript of of the record of any case when it may be required by any person: no appeal shall be granted in any case, only during the term of the court at which the decision, judgment, or decree, may have been given or rendered; and the record, in case of appeal, shall be filed with the Clerk of the Court of Appeals, within the time, and under the same rules and regulations, now prescribed by law relative to appeals from the Circuit Courts; and all appeals and writs of error shall be docketed by the Clerk of the Court of Appeals, and stand for trial as other causes in that court; and the decision of the Court of Appeals shall, in due time, be entered of record by the Judge of said Orphans' Court; which decision, so far as it may affect the rights and interests of the parties, shall be final and conclusive between them.

SEC. 13. If letters testamentary, of administration, or guardianship, be granted by the Orphans' Court, and the party contesting the same shall appeal to the Court of Appeals, according to the provisions of the preceding section, it shall be the duty of the said Orphan's Court, to appoint a fit person to act as administrator, with the will annexed, if there is no executor legally qualified under the will of the testator; or an administrator of the

estate of the intestate, or guardian, (as they case may be,) who shall take charge of the estate of the testator, intestate, or minor, until the final decision of the appeal; and the person so appointed, shall give the like security, take the oath and perform the duties which are required of an executor, administrator, or guardian, by this act. And as soon as the judgment, sentence, or decree, of the Court of Appeals shall be certified to, and recorded in manner aforesaid, in the Orphans' Court, all the estate, real and personal, and all papers of every description whatsoever, in the hands or possession of the administrator, with the will annexed, or administrator of the estate of the person dying intestate, or guardian appointed, as aforesaid, shall be delivered to the person in whose favor such appeal is decided, after he or she shall have complied with the requisitions of this act, and obtained an order of the Orphans' Court for that purpose; in which case the powers and duties of the temporary administrator, with the will annexed, or administrator of the estate of an intestate, or guardian of a minor, (as the case may be,) shall cease and determine.

Sec. 14. No legacy or devise of any estate, real or personal, shall become lapsed, provided there be any child or children of such legatee or devisee in being, at the death of the testator or testatrix, or which may be afterwards born alive; but that any estate which, by the will of such testator or testatrix, may have been devised to any individual, who may die before the testator or testatrix, such estate, so devised, shall go, (as by descent from the devisee,) to the child or children of the legatee or devisee: provided, the testator or testatrix should make no other disposition of such estate after the death of such legatee or devisee.

Sec. 15. If the Orphans' Court of any county in this State, shall be informed that any person has the last will and testament of a testator or testatrix, such court is hereby authorized to compel such person to produce the same; and if any person to whom a will or codicil has been or shall be delivered, by the party making it, for safe custody, shall alter or destroy the same without the direction of said party, or wilfully secrete it for the space of six months after the death of the party shall be known to him or her, on conviction thereof, the person so offending shall be sentenced to the Penitentiary of this Commonwealth for any term not less than one year nor more than four years, at the descretion of a jury.

Sec. 16. All original wills, after probate thereof, shall be recorded and remain in the office of the Orphans' Court, wherein they were respectively proved, except during such time as they may be in the Circuit Court or Court of Appeals, having been removed thither for inspection by certiorari, subpœna duces tecum, or otherwise; after which they shall be returned to the said Orphans' Court; and an authenticated copy of any will, testament or codicil, recorded in said Orphans' Court, shall be admitted as evidence in any court in this Commonwealth.

Sec. 17. The Orphans' Court in each county in this State shall have power to hear and determine all causes, matters and controversies testamentary, arising within its jurisdiction, and to examine and take the proof of wills, and grant letters testamentary thereon, according to the provisions of this act. If any testator or testatrix shall have a mansion house, or known place of residence, his or her will shall be proved in the Orphans' Court of the county, wherein such mansion house or place of residence is; if he or she have no place of residence, and lands be devised in the will, it shall be

proved in the Orphan's Court of the county wherein the lands lie, or in one of them, where there shall be lands in several counties; and if he or she have no such known place of residence, and there be no lands devised, then the will may be proved either in the Orphans' Court of the county where the testator or testatrix shall die, or that wherein his or her estate, or the greater part thereof, shall be.

SEC. 18. Authenticated copies of wills, proved according to the laws of any of the United States, or the territories thereof, or of any country out of the limits of the United States, and touching or concerning estates within this State, may be offered for, and admitted to probate in the said courts; but such will shall be liable to be controverted and contested in the same manner as the original might have been.

SEC. 19. All persons named as executors in any such will, shall, after the copy thereof has been admitted to record as above directed, be entitled to letters testamentary, in the same manner as if the original will had been proved in such court. And when there shall be no executors named in the said will, or the executors therein named, shall, all of them, refuse the executorship, the court shall have the same power and authority, to hear and determine the right of administration, and to grant letters of administration, with the will annexed, as if the original will had been proved in court.

SEC. 20. If any person shall be a subscribing witness to a will, wherein a devise or bequest is made to such subscribing witness, and the will cannot be otherwise proved, the devise or bequest, to such witness, shall be void, and he or she compellable to appear and give testimony on the execution of said will, in like manner as if no such devise or bequest had been made. But if such witness would have been entitled to any share of the estate of the testator or testatrix, in case the will was not established, then so much of such share shall be saved to such witness, as shall not exceed the value of said devise and bequest made to him or her in said will.

SEC. 21. It shall be lawful for any Orphans' Court, when any will shall be produced for probate, and any witness attesting the same shall reside out of the State, to issue a commission annexed to such will, and directed to the presiding judge of any court, or to any notary public, mayor, or other chief magistrate of any city, town corporation, or county, where such witness may be found, authorizing the taking and certifying his attestation, at such time and place as the court may direct. If the person to whom such commission shall be directed, shall certify in the manner such acts are usually authenticated, that the witness personally appeared before him and made oath or affirmation, (as the case may be,) that the testator or testatrix signed and published the writing annexed to such commission, as his or her last will and testament, or that some other person signed it by his or her direction, that he or she was of disposing mind and memory, and that he or she subscribed his or her name thereto, in the presence of the testator or testatrix, and at his or her request, such oath or affirmation shall have the same operation, and the will be admitted to probate in like manner, as if such oath or affirmation had been made in the court from whence such commission issued.

SEC. 22. When any will shall be exhibited to be proved, the court having jurisdiction as aforesaid, may proceed immediately to receive the probate thereof, and grant letters testamentary. If, however, any persons interested, shall, within five years afterwards, appear, and by his or her bill filed in

said Orphans' Court, contest the validity of the will, an issue shall be made up, whether the writing produced be the will of the testator or testatrix, or not, which issue shall be transferred to the Circuit Court of the county wherein such will shall have been recorded, there to be tried by a jury as the said circuit shall direct, whose verdict shall be final between the parties, saving to the Circuit Court the power of granting a new trial, for good cause as in other trials; but no such party appearing in that time, the probate shall be forever binding; saving, also, to infants, *femes covert*, and persons *non compos mentis*, three years after the removal of their respective disabilities: and the Circuit Court in which said issue shall be tried, shall certify to the Orphans' Court, from which the issue was sent, the final verdict of the jury; and, also, certify a full and complete transcript of the record in said court to the said Orphans' Court, which latter court shall also record the same; and the party who may be aggrieved by the finding of the jury may appeal to the Court of Appeals, from the judgment rendered by said Orphans' Court, on the said verdict of the jury.

SEC. 23. In all such trials by jury, the certificate of the oath of the witnesses, at the time of the first probate, shall be admitted as evidence, to have such weight as the jury may think it deserves.

SEC. 24. If the executor or executors, named in any last will and testament, renounce the executorship, or being required to give security, shall all fail or refuse to give the same, (which shall amount to a refusal of the executorship,) or shall neglect or refuse, for the space of thirty days after the death of the testator or testatrix, to exhibit such will and testament for probate, then administration of the goods and chattels, rights and credits, of such testator or testatrix, with the will annexed, shall be granted to the widow, if any, or the next of kin of such testator or testatrix, or to some of them; and in case of their, and each of their refusal, then to a creditor or creditors of such testator or testatrix: and if none of them will apply for the same, then to such other proper person or persons as will accept the same: *Provided*, That each executor named in such last will and testament, who shall not have renounced the executorship, if within the State, shall, before granting letters of administration, with the will annexed, as aforesaid, be summoned to show cause why the same should not be granted; and if any executor or executors, be absent from the State at the time of the probate of the last will and testament in which he or they are named, and letters of administration, with the will annexed, should be granted during his or their absence, such executor or executors shall be allowed the term of thirty days, after his or their arrival in the State, to make application to the Orphans' Court, for the executorship of such last will and testament; and on his or their complying with the requisitions of this act, letters testamentary shall be granted to him or them, and the letters of administration, with the will annexed, shall, in that case, be revoked, and the estate, both real and personal, of the testator or testatrix, shall, thereafter, be disposed of according to the said last will and testament, by the executor or executors, so returning and applying for the executorship as aforesaid.

SEC. 25. In all cases where letters testamentary shall be granted as aforesaid, it shall be the duty of the administrator, with the will annexed, to exhibit to the Orphans' Court, his or their accounts without delay; and to deliver to the executor or executors, on demand, all the goods, chattels and

personal estate in his or their possession, belonging to the deceased; and on failure, his or their administration bond shall be liable to be put in suit by the executor or executors, who may obtain an order of the Orphans' Court for the purpose.

SEC. 26. Before granting letters testamentary, or letters of administration, with the will annexed, the executor or executrix, administrator or administratrix, with the will annexed, (as the case may be,) shall, in open court take the following oath, viz: "You do swear that this writing contains the true last will and testament of the within named ————, as far as you know or believe; and that you will well and truly perform the same, by paying first his (or her) debts, and then the legacies contained in the said will, as far as his (or her) goods, chattels, credits and money will extend, and the law charge you; and that you will make a true and perfect inventory of all the said goods, chattels, credits and money, as also a just account when thereto required; and that you will make due return of the appraisement and sale bill of all the goods and chattels of said testator, so help you God." And shall also give bond in such penalty as will be at least equal to the full value of the estate, and with such security as shall be approved by the court, with the following condition, to wit: "The condition of this obligation is, that if the said ————, executor or executrix of the last will and testament, or administrator or administratrix, with the will annexed, (as the case may be,) of all the goods, chattels and credits of ————, deceased, do make a true and perfect inventory of all and singular the goods, chattels, credits and money of the said deceased, which have or shall come to the hands, possession or knowledge of the said ————, (or into the hands or possession of any other person or persons for him or her,) and the same so made do exhibit and make due return, together with the appraisement and sale bill of all the goods and chattels of the said testator, to the Orphans' Court of the county of ————, at such time as he (or she) shall be thereunto required by the said court, and the same goods, chattels, credits and money, do well and truly administer according to law; and make a just and true account of his (or her) actings and doings therein, when thereunto required by the said court; and further, do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said goods, chattels, credits and money will extend, according to the value thereof, and as the law shall charge him (or her;) then this obligation to be void, else to remain in full force and virtue in law:" which bond shall be payable to the Commonwealth of Kentucky, and shall not become void on the first recovery, but may be put in suit and prosecuted, from time to time, by, and at the costs of, any party injured by a breach thereof, until the whole penalty be recovered thereupon: and a certified copy of such bond, under the hand of the Judge of the Orphans' Court, shall be received in evidence in any court of law or equity in this State.

SEC. 27. But when any testator or testatrix shall leave visible estate more than sufficient to pay all his or her debts, and by will shall direct, that his or her executors shall not be obliged to give security, no security shall be required, unless the court shall see cause, from their own knowledge, or the suggestions of creditors or legatees, to suspect the executors of fraud or insolvency, or that the personal estate will not be sufficient to discharge all the debts, and shall require security, which shall be given, before letters tes-

tamentary shall be granted, notwithstanding any directions to the contrary in the will.

Sec. 28. If any person named as an executor or executrix in a will, shall be, at the time when administration ought to be granted, under the age of eighteen years, or of unsound mind, incapable, according to law, of making a contract, or convict of any crime, rendering him or her infamous, according to law, letters testamentary, or of administration, (as the case may require,) may be granted in the same manner as if such persons had not been named in the will: and on all questions touching such disqualifications, the court shall receive the like testimony as would be admissible in a court of law or equity in similar cases.

Sec. 29. The age of eighteen years shall be considered the age of majority of an executor or executrix named in any last will and testament; and in case letters testamentary shall be granted to an executor or executrix above eighteen, and under twenty one years of age, the bond by him or her executed, for faithful performance, shall be binding, as if he or she were of full age; and no married woman shall be entitled to letters testamentary; but the same, or letters of administration, shall be granted in the same manner as if she had not been named in the will; unless her husband shall, with good and sufficient surety, give bond as aforesaid, (which may be sued on as aforesaid,) for her faithful performance.

Sec. 30. During any contest about a will, or during the infancy, or in the absence of an executor or executrix, or until a will, which may have once existed, but is destroyed, shall be established, the court may appoint any person or persons to collect and preserve the estate of any decedent, until a probate of his will or *durante minore aetate*, or until administration of his estate be granted; taking bond and surety for collecting the estate, making an inventory thereof, and safe keeping and delivering up the same, when required, to the executors or administrators.

Sec. 31. The form of the letters to be granted to the person or persons so appointed, shall be as follows: "The State of Kentucky, to all to whom these presents shall come, greeting: Know ye, that whereas ————, deceased, as it is said, had at his (or her) decease, personal property within this State, the administration whereof cannot be immedintely granted, but which, if speedy care be not taken, may be lost, destroyed, or diminished; to the end therefore, that the same may be preserved for those who shall appear to have a legal right or interest therein, we do hereby request and authorize ————, of the county of ————, to secure and collect the said property, wheresoever the same may be in this State, whether it be goods, chattels, debts, credits or money, and to make, or cause to be made, a true and perfect inventory thereof, and to exhibit the same, with all convenient speed, together with a reasonable account of his collection, into our Orphans' Court of the county of ————. Witness, ————, Judge of Probate of the county of ————, this ———— day of ——.

A. B., Judge."

Sec. 32. Before letters to collect as aforesaid shall be granted, the party shall give bond, with approved security, to be filed and sued on as aforesaid, in such penalty as the court shall direct, and the condition thereof shall be as follows, to wit: "The condition of the above obligation is such, that if the above bound ———— shall well and honestly discharge the office of collector of the goods, chattels, personal estate, debts and money, of ————,

deceased, in the State of Kentucky, and shall make, or cause to be made, a true and perfect inventory of such of said goods, chattels, personal estate, debts and money as shall come to his possession or knowledge, and the same, in due time, return to the Judge of the Orphans' Court of ——— county, and shall also deliver to the person or persons who shall be authorized by said court to receive them, such of the said goods, chattels, personal estate, debts and money, as shall come to his hands or possession, (except such as shall be allowed for by the said court,) then the above obligation to be void, otherwise to remain in full force and virtue." And every collector as aforesaid shall be required, on granting the said letters, to take the following oath or affirmation, (as the case may require:) "You do swear, or affirm, that you will well and honestly discharge the office of collector of the goods, chattels, personal estate and debts of ———, deceased, according to the tenor of the letters granted to you, by the Orphans' Court of ——— county, and agreeably to the directions of law, to the best of your knowledge: so help you God."

SEC. 33. Every collector, so appointed, shall have power to collect the goods, chattels, personal estate and debts, and to take possession of the money, according to the tenor of the said letters, and to secure the same at such necessary and reasonable expense, as shall be allowed by the court; and the court may authorize him, immediately after appraisement, to sell such as shall be perishable, and those which, in his opinion, ought not to be preserved, and to account for the same; and for the whole trouble incurred by a collector, the court may allow a reasonable compensation or commission on the amount of the property and debts actually collected, and afterwards delivered to an executor or administrator, as to the court shall seem just, not exceeding three per cent.

SEC. 34. Every collector appointed, as aforesaid, shall have power to bring suit for debts due to the decedent, or to him as collector, and to release the same on payment thereof; and no such suit shall abate by the revocation of the letters of such collector, but the same shall be prosecuted to a final decision by the executor or administrator, to whom letters testamentary or of administration may be granted, at the cost of the estate.

SEC. 35. On the granting of letters testamentary, or of administration, the power of any such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the deceased, in his hands or possession, except as before excepted, to the person or persons obtaining such letters; and in case of the collector evading such demand, or refusing or neglecting to deliver according to such demand, made at a reasonable time and place, the court may proceed against him by attachment, and impose a fine not exceeding ten per cent. on the amount of property in his hands, or his bond may be sued on by the person or persons to whom letters testamentary or of administration may be granted.

SEC. 36. All such estate, both real and personal, as is not devised or bequeathed in the last will and testament of any person, shall descend or be distributed in the same manner as the estate of an intestate; and the executor or administrator, with the will annexed, (as the case may be,) shall administer the personalty accordingly.

SEC. 37. If lands, tenements, or hereditaments, shall be charged with any debt or debts, by any will or codicil, and any creditor whose debt is secured

by such will or codicil, shall attest the execution of the same, such creditor may, notwithstanding, be admitted as a witness of the execution thereof.

Sec. 38. Every devise of land, or any estate therein, or bequest of personal estate, to the wife of the testator, shall be construed to be intended in bar of her dower in lands, or share of the personal estate, respectively, unless it be otherwise expressed in the will.

Sec. 39. Every widow shall be barred of her right of dower in land, or share in the personal estate, by any devise or bequest to her, unless, within twelve months after the probate or authentication of the will, she shall, personally, in court, renounce the provision made for her in the said will, or shall transmit to the court where such authentication or probate has been made, a written renunciation in the following form, or to the following effect, to wit: "I, A B, widow of ————————, late of ———————— county, deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will of my husband, exhibited and proved according to law; and I elect to take in lieu thereof, my dower, or legal share of the estate of my said husband, this day of ————————. A B." But by renouncing all claim to a bequest, of personal property, made to her by the will of her husband, she shall be entitled to her legal share of the personal estate of her husband, which shall remain after the payment of his just debts and claims against him, and no more. And if the will of the husband devise a part of both real and personal estate, she shall renounce the whole, or be barred of her right of both real and personal estate.

Sec. 40. If the will devise only a part of the real estate, or bequeath only a part of the personal estate to the widow, the devise shall bar her of only the real or personal estate, as the case may be: *Provided, nevertheless,* That if the devise of real, or bequest of personal, estate, or both, shall be expressly in lieu of one or both, she shall accordingly be barred unless she renounce as aforesaid. But if, in effect, nothing shall pass by such devise or bequest, she shall not be thereby barred, whether she shall or shall not renounce as aforesaid, it being the intent of this act and consonant to justice, that a widow accepting, or abiding by a devise, in lieu of her legal right, shall be considered as a purchaser with a valuable consideration.

Sec. 41. When any person shall die possessed of goods and chattels, or personal estate not bequeathed, the same shall descend to, and be distributed among his or her heirs in the same way and manner that real estates, not devised, descend the by laws now in force: *Provided,* That the goods, chattels, personal estate or money of any person deceased, whether testator or intestate, shall stand chargeable with the payment of all the just debts and funeral expenses of the deceased, and the charges for settling the estate; and after the payment thereof, the surplusage, in case of intestacy, shall be decreed, by the Orphans' Court, to the persons entitled to distribution thereof: and the lands, tenements and hereditaments of the testator or intestate, shall stand chargeable with all the debts of the deceased, over and above what the personal estate shall be sufficient to pay as aforesaid, saving to the widow her dower in all cases.

Sec. 42. If any man shall have one or more children by any woman, whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be hereby legitimated, and capable in law to inherit and transmit inheritance, as if born in wedlock.

SEC. 43. The granting of letters of administration of the estate of any intestate, and the hearing and determining the right of the same, shall pertain to the Orphans' Court of the county in which the intestate had, at the time of his or her death, a mansion house or known place of residence. And if he or she shall have no such known place of residence, then to the Orphans' Court of the county where such intestate may die, or of that wherein his or her estate, or the greater part thereof, shall be: and such court shall grant letters of administration to the representatives who apply for the same; preferring first the husband or wife, and then such others as are next entitled to distribution, or one or more of them, as the court shall judge will best manage and improve the estate. And if no such person apply for administration, within thirty days from the death of an intestate, or on the first day of the next succeeding court after the expiration thereof, the court may grant administration to any creditor or creditors who apply for the same, or to any other person the court shall, in their discretion, think fit.

SEC. 44. If such letters of administration be granted, and a will for disposing of the estate of the deceased shall afterwards be proved according to law, and an executor or executors, named therein, shall apply for letters testamentary within thirty days thereafter, and shall be capable of the same, and shall execute bond as aforesaid, letters testamentary shall be accordingly granted and the same shall be construed as a revocation of the letters of administration: *Provided, nevertheless,* That all acts done by any administrator or administratrix, according to law, before any actual or implied revocation of the letters of administration, shall be valid and effectual: *And provided,* That the executor or executors, so obtaining letters testamentary, shall thereby be authorized to prosecute any actions at law or equity, at the cost of the estate, commenced by the administrator or administratrix, and to obtain judgment in his or her own name, and likewise to defend any suit as aforesaid, commenced against the said administrator or administratrix; and the granting of letters testamentary in such case shall not be construed to affect any suit as aforesaid, commenced against the administrator or administratrix, but the plaintiff or plaintiffs shall be allowed to prosecute the same to judgment; nor shall the granting of such letters testamentary be construed to affect any suit brought by the administrator or administratrix, but the same shall be prosecuted unto judgment, unless the executor or executors shall come into court, and pray that the same be struck off or discontinued; and the executor or executors shall have the benefit of all judgments obtained by the administrator or administratrix, and shall be bound by all judgments obtained against them: and with respect to the allowance of costs, all administrators shall be on the same footing as if letters testamentary had been granted; and the same rules in making the executor or executors, plaintiffs or defendants, shall be observed as are directed and established in other cases.

SEC. 45. Before granting letters of administration of any estate, the person or persons to whom the same is granted shall, in open court, take the following oath, to wit: "You do swear, (or affirm as may be,) that ———, deceased, died without any will, as far as you know or believe, and that you will well and truly administer all and singular the goods, chattels, rights, credits and money of the deceased and pay his debts as far as the same may go, and the law require you; and that you will make a true and perfect in-

ventory of all the said goods, chattels, credits and money, and the same to return to said court in due and proper time; and also return an appraisement and sale bill of the goods and chattels of the deceased, and a just account of the estate when thereto required: so help you God." And to give bond in a penalty at least equal to the value of the estate, and with such security as may be approved by the court, with the following condition, to wit: "The condition of this obligation is, that if the said ——————, administrator of the goods, chattels and credits of ——————, deceased, do make a true and perfect inventory of all the goods, chattels, credits and money of the said deceased, which have or may come to the hands, possession or knowledge of him, the said ——————, or in the hands or possession of any other person or persons for him, and the same so made, as also an appraisement and sale bill, do exhibit into the Orphans' Court of —— county, when he shall be thereunto required by the said court; and such goods, chattels, credits and money, do well and truly administer, according to law; and further do make a just and true account of his actings and doings therein, when thereto required by the said court; and all the rest of the said goods, chattels, credits and money, which shall be found remaining upon the account of the said administrator, the same being first examined and allowed by the said court, shall deliver and pay unto such persons respectively as are entitled to the same by law; and if it shall hereafter appear, that any last will and testament was made by the deceased, and the same be proved in court, and the executor or executrix obtain letters testamentary, and the said —————— do, in such case being required, render and deliver up his letters of administration, then this obligation to be void, else to remain in full force and virtue:" which bond shall be payable to the Commonwealth of Kentucky, and shall not become void upon the first recovery, but may be put in suit and prosecuted in like manner as is before directed in the case of bonds to be given by executors or administrators, with the will annexed. And a certified copy of such bond, under the hand of the Judge of Probate shall be received in evidence in any court of law or equity in this State.

Sec. 46. No executor or administrator, or security for any executor or administrator, shall be chargeable beyond the assets of the testator or intestate, by reason of any omission or mistake in pleading, or false pleading of such executor or administrator.

Sec. 47. In case a bond, given by any executor, administrator or collector, under this act, becomes forfeited, it shall and may be lawful for the Judge of Probate, to cause the same to be prosecuted, at the request of any party grieved by such forfeitures; and the moneys recovered upon such bond shall be applied towards making good the damages sustained by the not performing the condition thereof in such manner as the Orphans' Court, by their sentence or decree, shall direct.

Sec. 48. In case any executor or administrator shall die before the estate shall be fully administered, letters of administration *de bonis non* shall be granted to the person entitled thereto agreeably to the rules herein before laid down, and the proceedings shall, in all respects, be the same as if administration had been originally granted; and in no case shall the executor of an executor be entitled, as executor, to administration *de bonis non* of the first deceased; but the letters, bond and oath, of an administrator *de bonis*

*non*, shall be in the form hereinbefore directed, except that the words, "not already administered," shall be added in the proper places.

SEC. 49. No letters of administration shall be granted to a person under the age of twenty one years, or of unsound mind, incapable, according to law, of making a contract, or convict of any crime rendering him or her infamous according to law; and any question respecting age, soundness of mind, or infamy as aforesaid, may be heard and determined as if the same respected a person named as an executor.

SEC. 50. No question respecting age or infamy shall be determined by the Orphans' Court, without summoning the person named in a will as executor, or entitled to administration, and alleged to be under age or infamous; provided he or she be within the State, or without giving such notice by advertisement, or otherwise as the court shall direct, in case he or she be out of the State, and a hearing, in case the party shall attend agreeably to such summons or notice.

SEC. 51. All the provisions of this act, relative to an executor or administrator, shall apply and extend to an executrix or administratrix, or executors or administrators, respectively, unless otherwise expressly provided for; and whenever any party in the singular number, or a male party is mentioned, the rule shall apply to a female, or to two or more, having a joint interest, or jointly concerned, applying or called upon so far as the rule can, with propriety, apply, or so far as is not otherwise directed.

SEC. 52. If an executor of any last will and testament, or administrator of an intestate's estate, residing out of this State, at the time of taking that trust, or afterwards removing out of this State, shall refuse or neglect, after due notice from the Orphans' Court, to render his accounts, and make settlement of such estate with creditors, legatees, distributees, or heirs, or their legal representatives; or if any executor or administrator shall become insane, or otherwise incapable of, or evidently unsuitable to discharge the trust reposed in him, the said Orphans' Court is authorized and empowered, in each and every of the cases mentioned in this section, to grant letters of administration, with the will annexed, or otherwise, (as the case may require,) to such person or persons as may be entitled to the same, and as to the said court shall seem meet: and the letters, oath and bond, of the administrator thus appointed, shall be the same as hereinbefore directed, except that the words "not already administered," shall be added in the proper places; and he shall have the same power and authority to administer the estate of the deceased, not administered upon by such former executor or administrator, and be subject to the same duties, in as full and ample a manner as if the executor or administrator, so removed, or residing out of this State, insane or otherwise incapable to discharge the trust reposed in him, as aforesaid, were actually dead.

SEC. 53. If any Orphans' Court shall grant letters testamentary or of administration of the estate of any person deceased, without taking good security for the same, as aforesaid, or, if the security so taken shall afterwards become insufficient, it shall be lawful for the said court, on the application of any person interested in the distribution of said estate, to require such executor or administrator to give other good and sufficient security; and in default thereof, the letters testamentary or of administration, shall be revoked, and administration granted to the person entitled to the same, according to the rules hereinbefore prescribed in the case of an administrator *de*

*bonis non*; and all acts done and performed, according to law, by the executor or administrator whose letters testamentary, or of administration, may be revoked as aforesaid, prior to such revocation, shall be valid and effectual; and all causes, suits and controversies, depending in any court in this State, either for or against such executor or administrator, shall be prosecuted and defended, or discontinued in the manner directed in the forty fourth section of this act.

Sec. 54. When securities for executors or administrators, or their representatives, conceive themselves to be in any danger of suffering thereby, and petition the court for relief, the court shall summon the executor or administrator, and shall have full power to order, either that the said executor or administrator shall give good counter security, or that he shall execute a new bond, with good surety, in a penalty not less than the penalty of the first bond executed by him, for the faithful discharge of his duties, and payable in like manner as the first bond: and such new bond shall have relation back to the time of granting the letters testamentary or of administration, and shall be as effectual in every respect as if it had been executed before such letters had been granted. The condition thereof shall be as follows, to wit: "The condition of the above obligation is, that whereas, the above bound ————, executor of the last will and testament of ———, deceased, (or administrator of the goods and chattels, rights and credits of ————, deceased,) hath heretofore executed a bond payable to the Commonwealth of Kentucky, as conditioned for the discharge of his duties of executor, (or administrator, as the case may be,) as aforesaid, which said bond bears date the ———— day of ————; and whereas, by an order of court made on the ———— day of ————, other bond and surety hath been required of the said executor, (or administrator;) now, therefore, if the said executor, (or administrator,) shall well and truly have kept and performed, and shall well and truly keep and perform the condition of the bond aforesaid, and shall, in all respects, have performed, and shall continue to perform the duties of his office aforesaid, then this obligation to be void, else to remain in full force and virtue."

Sec. 55. Upon the execution of such new bond with surety, payable and conditioned as aforesaid, all the sureties to the former bond, and their legal representatives shall be forthwith discharged from the obligation thereof, except only as to such matters for which a cause of action on said bond may then have accrued.

Sec. 56. If the executor or administrator shall fail to comply with such order for counter security, or for the execution of a new bond, with surety as aforesaid, the court shall have full power to revoke and annul his power and authority as executor or administrator in part, or in the whole, and to appoint an administrator *de bonis non*, in the same manner as if such executor or administrator were dead; or to take from the possession of the executor or administrator the estate of his testator or intestate, remaining unadministered, and place the same in the hands of his surety or sureties, or of some other person, or to make some other order or orders respecting the said estate as may be essential to the protection of the surety or sureties, having due regard always to the rights and interests of creditors, legatees or distributees.

Sec. 57. When the estate of any testator or intestate shall have been committed to any surety of an executor or administrator, or any other per-

son in manner aforesaid, such surety or other person, during the continuance of his authority, shall have power to demand and receive the debts and other personal property due or belonging to the estate, to pay the debts due from it, and may sue and be sued, in the same manner as an executor or administrator.

SEC. 58. The Judge of Probate shall keep a docket, in which shall be entered all applications for the probate of wills, or for letters of administration or guardianship, and the names of the persons making the same, and all applications for the settlement of the accounts of executors, administrators, collectors and guardians, in the order as to priority of time such applications were made, to the end that the same may be heard and determined, or allowed at the next term of the said court; and shall moreover issue all necessary notices and citations to the persons principally interested, if within this State, to appear and show cause, (if any they can,) why such application should not be granted and allowed: *Provided*, That wills may be proved, and letters testamentary, of administration and guardianship, may be granted, although no application in vacation may have been made to place them upon the docket.

SEC. 59. All process emanating from the said court, as well as letters testamentary, of administration and of guardianship, shall bear test in the name of the Judge of Probate, and be signed by him, and all bonds given in the said court shall be made payable to the Commonwealth of Kentucky.

SEC. 60. In every case wherein letters testamentary, or of administration, or of collection, are granted, the inventory, appraisement and sale bill, shall be returned to the court granting the same; and all settlements with executors, administrators, collectors and guardians, shall be made with the Judge of Probate who granted the same, or with his successor in office.

SEC. 61. On granting letters testamentary, or of administration or collection, a warrant or warrants shall issue, under the hand of the Judge granting them, authorizing two or more persons of discretion, not related to the deceased, nor interested in the administration, to appraise the goods, chattels and personal estate of the deceased, known to them, or to be shown by the executor, administrator or collector; which warrant shall be as follows, to wit: "The Commonwealth of Kentucky, to ————, greeting: This is to authorize you, or any two of you, to appraise the goods, chattels and personal estate of ————, late of the county of ————, deceased, so far as they shall come to your sight and knowledge, each of you having first taken the oath or affirmation, hereto annexed, a certificate whereof you are to return, annexed to an inventory of the said goods, chattels and personal estate, by you appraised in dollars and cents; and in the said inventory you are to set down in a column or columns, opposite to each article, the value therof. Witness ————, Judge of Probate of the county of ————, this ——— day of ————. A B, Judge." And on the death, refusal or neglect to act of an appraiser, another warrant may forthwith issue in its stead, unless there are two who act, and who are named in said warrant.

SEC. 62. Before the appraisers proceed to act, they shall take the following oath or affirmation, (as the case may be,) annexed to, or endorsed on the warrant, before any Justice of the Peace of the county, or the Judge of Probate, to wit: "C. D. and E. F. this day made oath before me that they would well and truly, without partiality or prejudice, value and appraise the goods,

chattels and personal estate of ————, deceased, so far as the same shall come to their knowledge, and will, in all respects, perform their duty as appraisers to the best of their skill and judgment. Given under my hand this ——— day of ————.

J. P."

Sec. 63. The appraisers shall proceed as soon as may be, to the discharge of their duty, and shall set down each article, with the value thereof, in dollars and cents; all the valuations on one side of the paper shall be set down in one column distinctly, in figures, opposite to the respective articles; the contents of each column shall be cast up and set down under the last column; which appraisement shall be signed by the appraisers and countersigned by the executor or administrator.

Sec. 64. Every inventory and appraisement shall be returned to the Probate Judge within such time as he may require within six months after administration; and the warrant to the appraisers, together with their oath thereon endorsed, shall be returned with the appraisement bill, provided the court may, in their discretion, allow a longer time than six months for the return of the inventory and appraisement. It shall also be the duty of the executor or administrator to return to court, within convenient time, a correct sale bill of all the property sold of his testator or intestate; and which shall be signed by such executor or administrator; and should any executor, or administrator, or collector, for six months after being qualified, fail or neglect to return such sale bill, appraisement or inventory, the Judge of Probate may issue his attachment against such executor, administrator or collector, to enforce the same. On the return of such attachment, the court shall have power to fine the party not exceeding twenty dollars.

Sec. 65. If there be any of the persons interested in the administration within the county of the place, when the personal estate is to be appraised, it shall be the duty of the executor, administrator or collector, to give notice to said persons, or at least two of them, of the time and place appointed for making the appraisement: each appraiser to be entitled to one dollar per day, to be paid by the executor, administrator or collector, but chargeable to the estate of the party.

Sec. 66. Every executor, administrator or collector, shall return an inventory of all the money and debts due the estate, under his or her oath; setting forth those that are deemed good and solvent, those of a doubtful character, and those that are considered desperate or worthless.

Sec. 67. Whenever personal property of any kind, or assets not mentioned in an inventory already made out, shall come to the knowledge or possession of an executor, administrator or collector, an inventory, appraisement and sale bills, shall be made out and returned as before provided.

Sec. 68. In case an inventory be returned by a collector duly appointed, the executor or administrator, thereafter, administering, shall, within three months after the date of his or her letters testamentary or of administration, either return a new inventory in place of the collector's inventory, or an acknowledgment, in writing, that he or she has received from the collector, the articles contained in the first inventory, or consent to be answerable for the same in the same manner as if the said inventory had been made out, after his or her administering upon the estate: *Provided*, That nothing herein contained shall be construed, to render any executor or administrator answerable for not making a return of the inventory aforesaid, where it

shall appear to the court that he or she has been prevented from making such return, by the improper detention of the goods of the deceased, by the collector aforesaid.

SEC. 69. Where one or more slaves shall descend from a person dying intestate, and an equal division thereof cannot be made in kind, it shall be lawful for the Orphans' Court of the county, in which administration was granted, to direct the sale of such slave or slaves, and the distribution of the money arising therefrom, according to the rights of each claimant: *Provided, always*, That each claimant shall be first duly summoned to show cause, if any he can, against such sale: *Provided, further*, That a petition, setting forth the above facts in this section contained, be first filed with the Probate Judge praying for a sale of such slave or slaves.

SEC. 70. In cases where any slave or slaves have been or shall be devised to any widow for life, in lieu of dower, or have been or shall be held by any person, for his or her life only, or the life of any other person or persons, every such person entitled to such life estate, or his or her guardian, if he or she be an infant, shall, within sixty days, after coming to the possession of such slave or slaves, cause to be lodged with the Judge of the Orphans' Court of the county wherein he or she resides, a list containing the names of all such slaves, describing their ages and sexes, under the penalty of fifty dollars for each slave. The Judge of Probate shall record the said list, in a well bound book, to be kept for that purpose, for which he shall receive from the person furnishing any such list, the sum of twelve and a half cents for each slave. The increase of such slaves, shall, within the like time after their births, in like manner, be registered with the said Judge of Probate, under the like penalty, and for the like fee in each case. In case of the intermarriage of any such widow, her husband shall, from that time, perform all the duties required by this section, under the like penalties. And all the penalties hereby incurred, shall go and accrue to any party aggrieved, to be recovered with cost by action of debt, in any court having competent jurisdiction.

SEC. 71. If any executor, administrator or collector, shall be of opinion, that it would be of advantage to the estate of the testator or intestate, to dispose of the crop growing at the time of his or her decease, it shall be lawful for the Orphans' Court of the proper county, on the application of such executor, administrator or collector, to order the sale of the said crop, either at public or private sale, on such credit as the said judge may deem proper, taking from the purchaser or purchasers, bond with good surety or sureties, for the payment of the purchase money; but if said court, shall, upon hearing, be of opinion that such sale would not be of advantage to the estate of the testator or intestate, then the executor, administrator or collector, shall proceed to finish the crop on hand, and in that case no division of the slaves employed in such crop shall take place until some convenient time in the month of December or January next after the death of such testator or intestate; and the proceeds of the crop shall be assets in the hands of the executor, administrator or collector, subject to debts, legacies and distribution—the taxes, tools, the expenses of feeding the slaves to that time, and delivering them well clothed, being first deducted; and in either case the executor, administrator or collector, shall render an account to the Orphans' Court of his proceedings in relation to said crop.

SEC. 72. If any executor, administrator, or collector, shall refuse to re-

turn an inventory, appraisement or sale bill, when requested so to do by any person interested in the estate, the Probate Judge may compel him to return the same by attachment.

Sec. 73. The Judge of Probate, besides the duties enjoined on him in term time, is hereby empowered and required to take, receive and audit, the accounts of executors, administrators, collectors and guardians; to receive wills exhibited for probate; applications for administration; and also receive inventories, appraisements and sale bills, duly made; and to issue citations and other necessary process, returnable to the next term of the said court. The settlement of the accounts which may be so made by the Judge of Probate, shall not be recorded until the second term after such settlement, and it shall be the duty of such executor, admininistrator, collector, or guardian, who may desire to make a settlement in vacation to give at least two weeks notice of the same to such persons interested as live in the State, and by advertisement for two weeks on the court house door, when the parties, or any of them reside out of the State. And all persons interested may file exceptions to such report on or before the second term after it has been so made.

Sec. 74. Every executor, administrator and collector shall embrace in the inventory which he may return, any claim against himself and which he may have owed the testator or intestate; and if such executor, administrator or collector shall fail to make such return, the Judge of Probate shall compel such executor, administrator or collector to pay such sum into court, with twenty per cent. damages thereon: *Provided*, That the executor, administrator, or guardian, have ten days notice that such application is about to be made to the Judge of Probate; and whenever any sum may be paid into court under the provisions of this section, the Judge of the Court of Probate may return it to the executor, administrator, or collector, and charge him with the same as due to such estate, or, in his discretion, he may immediately apply such sum to the extinguishment of the debts of the deceased, or distribute amongst such as may be entitled thereto, if the debts have already been paid.

Sec. 75. No executor, administrator, or collector, shall discharge any claim against the deceased, (otherwise than at his own risk,) unless the same be first passed by the Orphans' Court, granting the administration, or unless the said claim be proved according to the following rules, to wit: The voucher or proof of a judgment or decree, shall be a short copy of such judgment or decree, atttested by the Clerk of the Court, in which such judgment or decree was rendered, who shall also certify that there is no entry or proceeding in the Court, to show that the said judgment or decree has been satisfied; the person to whom such judgment or decree may be due, shall also make oath that the same has not been paid or otherwise satisfied. If a security shall have discharged a debt against the deceased, he shall stand in the same situation towards his estate as the person to whom such debt was paid. In case of a specialty, bond, note, or bill of exchange, the vouchers shall be the instrument of writing itself, or a proved copy, in case it be lost, with the oath of the party, claiming to be paid such bond, bill of exchange, or note, that the same has never been paid, which oath shall be attached to the instrument or evidence of the demand, or endorsed thereon. In case of a bill of exchange, the same shall not be paid unless the decedent would have been compelled to pay the same, if he were alive. And the

vouchers or proof of any claim, on an open account, shall be the oath of the creditor, that such account is due and unpaid, and also the oath af some competent witness proving such account, unless the executor, administrator, or collecter, have a personal knowledge of the correctness of such account, in which event he may make oath to such fact.

SEC. 76. The administrator of any estate shall be bound to make distribution thereof amongst those entitled thereto, within twelve months from the time of administration granted, unless longer time should be allowed by the court granting the letters of administration; and in default of doing so may be proceeded against, by suit on his bond, in the Circuit Court, or by attachment for contempt in the Orphans' Court. But no administrator shall be compelled to make distribution, to any person, until such person, or some one for him or her, shall give good security to refund his or her proportion of any demands which such administrator may have to pay as due from such estate; and any person entitled to a legacy, or any estate by will, shall be entitled to the foregoing provisions as in case of administrators; provided, that nothing herein contained, shall be so construed, as to compel any distributee or legatee to give bond and surety as aforesaid, for his or her distribution of any estate after a final settlement shall have been made by the executor or administrator.

SEC. 77. No executor, administrator, collector or guardian shall, under any pretence, move any property out of this State, wherewith such executor, administrator, collector or guardian, may be charged by virtue of his letters; and in case any executor, administrator, collector or guardian, shall remove such property, it shall be the duty of the Judge of Probate to have suit instituted immediately in the Circuit Court against such executor, administrator, collector or guardian, upon his or her bond; and if the jury, who may be sworn to try the issue, shall be of opinion that such executor, administrator, collector or guardian has removed property as aforesaid, they shall also find the value of such property so removed, together with such other damages as they may think proper, and the court shall render judgment upon any such verdict, and also for ten per cent. damages thereon, besides the costs of suit. The Judge of Probate shall be the relator in such action, but shall not be individually responsible for costs, should he be unsuccessful in any such action, but the cost shall come out of the estate of the testator or intestate.

SEC. 78. Whenever any executor, administrator, collector or guardian shall fail to settle his or her accounts with the Orphans' Court, every twelve months, the Judge of Probate shall, unless for good cause shown to the contrary, issue an attachment against him or her, provided he or she may have been previously cited to show cause why the same has not been done: and on failure of any such executor, administrator, collector or guardian, (when required so to do by the Judge of Probate,) to settle his accounts with the said court, the court may revoke the letters of such executor, administrator, collector or guardian.

SEC. 79. When any executor or administrator shall discover or believe that the personal estate of his testator or intestate is insufficient to pay the debts of the deceased, it shall be the duty of such executor or administrator, as soon as may be, to make and exhibit, on oath, a just and true account of the personal estate and debts, as far as he can discover the same, to the Orphans' Court of the proper county; and the said court shall thereupon cause

a citation to issue, directing all persons interested in the lands, tenements and hereditaments of the deceased, to appear before the Orphans' Court, at a certain day, therein to be named, not less than forty days after issuing such citation, to show cause why so much of the said lands, tenements and hereditaments, of the said testator or intestate, should not be sold, as will be sufficient pay his or her debts, or the residue thereof, as the case may require; which citation shall be served personally upon the adult devisees or heirs, resident in this State, and upon the guardian or guardians of the infant devisees or heirs resident in the State, and that said citation be published and advertised on the court house door of the county, and two other public places in the said county, for thirty days at least.

SEC. 80. The Orphans' Court shall, at the time specified in said citation, or at such other time as it may then appoint, hear and examine the allegations and proofs of the said executor or administrator, and of other persons interested. And if the said court, on such examination, shall find that the personal estate of such testator or intestate, is not sufficient to pay his or her debts, the said court shall order and direct the executor or administrator to sell the whole if accessary, of the lands, tenements and hereditaments of the said testator or intestate, for the payment of his or her debts, or so much thereof as will be sufficient for that purpose; and when a part only, the said order shall specify what part: *Provided*, That when any houses, lots or lands are so situate or circumstanced, that a part thereof cannot be sold, without manifest prejudice to the devisees or heirs, the said court may, at its discretion, order the whole to be sold; and the overplus arising from such sale shall be distributed among the devisees or heirs, according to the will in the former case, and to the law of descents in the latter case. And the devisee or heir, whose lands, tenements and hereditaments, so devised or descending, shall be sold as aforesaid, for the payment of the debts of the testator or intestate, may compel all others, claiming or holding under said testator or intestate, to contribute in proportion to their respective interests, so as to equalize the burden or loss.

SEC. 81. An executor or administrator who may be ordered to sell any of the lands, tenements, or hereditaments of any testator or intestate, shall advertise, at three or more public places in the county where such lands, tenements, or hereditaments, are situated, the time, place and terms of selling the same, at least forty days before the day of sale, and, if deemed necessary by the Judge of Probate, by publishing the same in some newspaper for three weeks before the day of sale, and shall sell said lands upon such terms as may be ordered by the said court—bond and good surety, in all cases, being required of the purchaser; and the executor or administrator making such sale, shall report the particulars of the sale and return the bond or bonds to said court; and should said bonds not be paid at maturity, the Judge of Probate may issue execution or executions thereon.

SEC. 82. The said executor or administrator shall, and is hereby authorized to make a deed or deeds to the purchaser or purchasers of such lands, tenements, or hereditaments, so sold, which shall vest the title in such purchaser or purchasers in as ample a manner as it was in the devisees or heirs of such testator or intestate.

SEC. 83. When lands, tenements, or hereditaments, shall descend from a person dying intestate, or come by devise, and an equal division thereof cannot be made, it shall be lawful for the Orphans' Court of the county where

the testator or intestate may have been domiciled at the time of his death, to direct the sale of such lands, tenements and hereditaments, and the distribution of the money arising therefrom, amongst the heirs or devisees, (as the case may be,) according to the rights of each claimant: *Provided, always*, That each claimant shall be first summoned to show cause, (if any he can,) against such sale.

SEC. 84. It shall not be lawful for any executor or administrator, to take the estate, or any part thereof, of any testator or intestate, at its appraised value, but the same shall be sold at public sale unless otherwise provided for by the will of any testator; and any such sale shall be conducted as the Judge of Probate may order, as to time, credit and other particulars.

SEC. 85. Executors, administrators and collectors shall be entitled to, or be answerable for, costs, in the same manner as the deceased would have been; and they shall be allowed for the same in their accounts; provided the court who may try any such action or suit, instituted by such executor or administrator, shall certify that he or she had probable cause for bringing the same. And no executor or administrator shall be allowed to retain for his own claim against the deceased, until the same shall be allowed by the Judge of Probate.

SEC. 86. When any person by last will or testament shall devise lands to two or more, without specifying the boundary to each, or when lands may descend to two or more, the Orphans' Court, on application of such devisees or heirs or any one of them, having had notice given to the other or others, of such application, shall order three or more fit persons to divide such lands among such devisees or heirs—such persons so appointed to divide said lands to be first duly sworn to perform their duty to the best of their knowledge and judgment; and the same, when made, shall be, by them returned under their hands to the said Orphans' Court, and if the same shall be approved by said court, and no exceptions should be filed to the same, or if filed, overruled, it shall be recorded therein, and the Judge of said court shall execute any deed of partition which may be necessary; but if said report should not be approved, the said court may appoint other commissioners, until a report shall be made which shall be approved. And the persons making such division shall be allowed one dollar per day each, to be paid by such devisees or heirs.

SEC. 87. Every executor, administrator and collector, shall take an oath that he will not claim a credit for a larger amount of any demand against the estate of his testator or intestate, than the sum actually paid by him for such demand, unless it be a claim which was owing to himself before the death of the testator or intestate.

SEC. 88. No executor, administrator, collector, or guardian, shall be liable for any property belonging to the estate of their testator, intestate, or ward, which may have perished or been destroyed, without the fault of such executor, administrator, collector, or guardian; but any increase, in any such estate, shall be accounted for by such executor administrator, collector, or guardian. And in all cases, the court shall allow to an executor, administrator, collector, or guardian, such compensation, on the final settlement of their accounts, as may be deemed reasonable, not allowing, however, a larger amount than five per cent. on the whole amount received, unless the Judge of Probate shall be of opinion that five per cent. is not sufficient com-

pensation; in which case a further reasonable allowance may be made. And any settlement made by the Judge of Probate, may be contested in the Court of Appeals, by being brought there by appeal or writ of error, and no parol proof shall be heard by the Court of Appeals, but they shall be governed by the bill of exceptions, or the testimony stated therein.

Sec. 89. Any father may, by deed in his lifetime, or by his last will and testament, appoint a guardian for his child, whether such child be born at the time or not, which guardian shall continue until such child arrive at full age, and such grant or devise shall give the grantee or devisee the same power over the person of the child, as guardian in common socage has.—Every guardian so appointed, before he exercises any authority over the minor or his estate, shall appear before the Orphans' Court of the proper county, and declare his acceptance of the guardianship, which shall be recorded; and shall give bond and surety as hereinafter directed, for the faithful execution of his office, unless it is otherwise directed by such deed, or last will and testament. And if such guardian should fail to appear, when summoned to do so, the Orphans' Court of the proper county may appoint some other person guardian for such minor; or should such person renounce the guardianship, the court shall, in like manner, appoint some other guardian.

Sec. 90. The Orphans' Court in any county in this State, shall have power to appoint guardians to orphans, provided none shall have been appointed by deed or last will and testament by the father of such orphan, according to the provisions of this act. And when no guardian shall have been appointed by deed or last will and testament as aforesaid, or in the case the person so appointed shall renounce the trust or fail to give security, the said court shall have the power to allow orphans, of the age of fourteen years or upwards, to choose their guardians, which shall be done in open court; and when done by such minor, such choice shall be recorded by the Judge of Probate. And if any orphan, of the age of fourteen years or upwards, shall fail to choose a guardian, the Orphans' Court may issue a citation for such minor to appear at the next court for that purpose; and if such minor shall fail or refuse to attend said court, after having been cited to do so, the court may appoint any person as guardian to such orphan, as if he or she were under the age of fourteen years, giving the preference to the natural guardian or next of kin, if any such apply for the guardianship, and tender proper security, unless such applicant be manifestly unsuitable to take the management of the person and estate of such orphan.

Sec. 91. Every guardian appointed by the court or otherwise, (except where no security is required by deed or last will and testament,) before he shall have authority to act as such, shall enter into bond payable to the Commonwealth of Kentucky, in such penalty and with such security or securities as the court shall approve; and such bond shall be put in suit, and be, in all respects, on a footing with the bond given by an executor or administrator, and with condition in substance as follows, to wit: "The condition of the above obligation is such, that if the above bound ———, as guardian to ———, of —— county, shall faithfully account with the Orphans' Court of —— county, as directed by law, for the management of the estate and property of the orphan under his care, and shall also deliver up the said property and estate, agreeably to the order of the said court, or the directions of law, and shall in all respects perform the duty of guardian to the said —— according to law, then the above obligation to be void; otherwise to be and remain in full force and virtue."

SEC. 92. On a guardian's executing such bond, the court shall have power to order the land, distributive share, or other property belonging to such orphan, to be delivered to the guardian immediately, or at such time as shall appear reasonable; in the case of a legacy or bequest, the court shall direct the delivery, as soon as it shall appear that the same may be delivered, without prejudice to the person administering; and in case of a distributive share, the court shall direct a delivery, as soon as the same shall be ascertained; and on failure of any former guardian, appointed by the court, or of an executor or administrator, to comply with such order, his bond may be put in suit, and he may also be attached, fined and imprisoned for contempt of court.

SEC. 93. Every guardian shall, within three months after his appointment and acceptance of such office, deliver to the Judge of Probate an inventory, on oath, of all the estate, real and personal, which he shall have received or taken possession of, to be entered of record; and shall exhibit, once in every year, and oftener if thereunto lawfully required, an account of the product of the said estate, and of the sale or disposition of such product and disbursements; which accounts, being examined, audited and allowed by the Judge of Probate, in the same manner as the accounts of executors or administrators, supported by proper vouchers, shall be recorded in the said Orphans' Court.

SEC. 94. Any guardian who shall not deliver in such inventory, or render such account, shall, by order of the Orphans' Court, to which he is answerable, be summoned, and if he remain in default, his bond may be put in suit, and a new guardian appointed. And said court may, for any good and sufficient cause, displace a guardian; giving such guardian twenty days' notice, by citation, to appear and show cause why he should not be displaced.

SEC. 95. No guardian shall commit any waste on the lands, tenements or hereditaments of his ward; but the court may, on his application, allow wood to be cut down and sold, if deemed advisable by the court, and to the interest of the ward, or for his or her education or maintenance. And every guardian shall account for all profit and increase of his ward's estate, or annual value, as aforesaid; but shall not be accountable for any loss occasioned without his fault.

SEC. 96. Every account of a guardian shall state his expenses in maintaining and educating his ward, not exceeding the income of the estate, unless the Orphans' Court may, by previous order, direct that such income might be exceeded for such purposes; and said guardian shall be charged interest, on the balance of money left in his hands at every settlement; which interest shall be at least six per cent., and such greater profit as he may make thereon.

SEC. 97. If the Orphans' Court should, at any time, have cause to suspect that the securities of a guardian, or any of them, are in faling or dubious circumstances, they may compel such guardian to give additional security, and if he refuse or neglect to do so, may displace him, and appoint a new guardian.

SEC. 98. The powers and duties of every guardian, over the person and estate of the ward, shall cease and determine when such ward shall either arrive at the age of twenty one years, or be lawfully married; and in either event, the guardian shall forthwith render a final acoount of his guardianship, to the Orphans' Court, and shall deliver up, agreeably to the order of

the said court, to the said ward, (or to the husband, as the case may require,) all the property of such ward, in his hands, including bonds and other securities; and his failure to do so shall be a forfeiture of his bond, and an action may be instituted thereon immediately, and the Orphans Court shall have power to fine and imprison such guardian, so failing as aforesaid, for such a contempt of said court.

SEC. 99. The appointment of an attorney or counsellor at law to the office of Judge of Probate, shall not deprive such attorney or counsellor at law, of the right to practice in his profession, in any court of law or equity in this State, except the court of which he is judge: *Provided*, That he shall not be at liberty to prosecute and defend, or in any manner advise either party, in any matter, cause or controversy, which he may have decided, and on which an appeal or other proceedings are had, in any other court in this State. And if any Judge of Probate shall aid, abet, counsel or advise, in any such matter, cause or controversy, he shall be deemed guilty of a high misdemeanor, and may, for the same, be removed from office.

SEC. 100. Whenever there shall be so near a relation between any deceased person and the Judge of Probate of the county in which letters testamentary or of administration have been or ought to be granted, according to the provisions of this act, as between father and son, by nature or marriage, or brother in like kind; or whenever a Judge of Probate shall be interested in the estate of any deceased person, as being legatee, devisee or distributee, such judge shall be disqualified to act in the settlement of such deceased person's estate, and the cognizance thereof shall appertain to the Judge of Probate of an adjoining county, who shall be authorized to attend the Orphan's Court of the county of which the Judge of Probate is disqualified from holding, as to such estate; and shall, in every such case, have full authority to proceed to a final settlement of the estate of such deceased person, and shall record his proceedings himself, in the court to which he is thus called to preside, for such purpose.

SEC. 101. That hereafter all debts shall be of equal dignity in the administration of estates, and shall be paid ratably in proportion to their amounts, by the executor, administrator or collector, when the personal effects are not sufficient for the payment of the debts against the estate of the testator or intestate; and should more than the ratable share of any debt be paid, the executor, administrator or collector shall only receive credit, in the settlement of his account, for its proper proportion: *Provided*, That when such estate is covered by any bona fide lien, such estate shall be first subject to such lien, and the residue only shall be subject to a *pro rata* division among the creditors, not secured by lien: *And provided*, That the creditor who has any such lien, which is not sufficient to satisfy his whole debt, he shall not be entitled to any portion of the residue of the estate, until the other creditors, not having liens, shall have received a sum equal *pro rata* with such lien creditors: *And provided further*, That the burial expenses and costs and charges of administration of the estate and of suits, shall be paid in full before any *pro rata* distribution shall be made, or a sufficient sum be retained for that purpose.

SEC. 102. The executor or administrator shall exhibit to the Orphans' Court, (before any debts paid to any creditor except as aforesaid,) when such estate is insolvent, an account and statement as is directed in the seventy ninth section of this act. And if it appear to the said Orphans' Court, that

such estate is insolvent, it shall appoint two or more fit persons to be commissioners, with full power to receive and examine all claims of the several creditors of such estate; and the said commissioners shall cause the times and places of their meeting to attend the creditors, for receiving and examining their claims, to be made known by causing notices to be posted up in such public places, and published in such newspaper or newspapers as the said Orphans' Court shall direct; and six months, and such further time as the circumstances of the case may require, not exceeding eighteen months, shall be allowed by the said court to the creditors, for bringing in and proving their claims before the said commissioners; at the end of such time as may be allowed by the said court as aforesaid, the said commissioners shall make their report, and present, on oath, a list of all the claims that shall have been laid before them, with the sums which they have allowed on each respective claim, to the said Orphans' Court; and the said court shall order just recompense to the commissioners, out of the estate of the deceased.—And the debts due for the last sickness, and necessary burial expenses, the costs of administration, and all other costs, being first deducted, the said court shall order the residue and remainder of the said estate, real and personal, to be paid and distributed according to law, by the administrator or executor, among the creditors, who shall have made out their claims, with the commissioners as aforesaid, in proportion to the sums unto them respectively due and owing: *Provided*, That notwithstanding the report of any commissioner, the creditor whose claim has been wholly or in part rejected, or any executor or administrator who may be dissatisfied with such report, on a particular claim, may, for good and sufficient cause, shown by the said creditor, executor or administrator, to the said Orphans' Court, have the said claims referred, by the said court, to a jury; whose verdict thereon, returned into court and approved of by the Judge of Probate, shall be final and conclusive. And to the end that the executor or administrator may have an opportunity to ascertain the situation of the estate of the testator or intestate, no suit or action shall be sustained or commenced against such executor or administrator, in such capacity, till after the expiration of six months from the time of proving the will of the testator, or of granting letters of administration on the estate of the deceased. Nor shall any action or suit be commenced against him, after he or she shall have represented the estate of the testator or intestate insolvent; but any suit or action which may have commenced before such representation, may progress to final judgment, but no execution shall go thereon against any such insolvent estate, but shall and may be filed as a claim against the estate of such testator or intestate; except, in all cases, actions due for the last sickness or burial expenses of the deceased, may, at any time after the said six months, be prosecuted to judgment and rendered available by execution; excepting also that if the executor or administrator having objections to the claim on which any action (other than those last mentioned) may be brought, shall consent to have any such claim settled by action at law; in such case the judgment of the court shall determine the claim, and be settled according to such determination, as other claims against such estate. Every executor or administrator, after final apportionment of such distribution among the creditors of the testator or intestate as aforesaid, shall be liable to the creditors for their respective shares in such distribution. And if any creditor shall not make out his claim with the commissioners, within the time of their com-

missioners, within the time of their commission, or establish the same by verdict of a jury as aforesaid, or otherwise as provided by this act, he shall be forever barred of his debt or demand; unless such creditor shall find other estate of the deceased, not inventoried or accounted for by the executor or administrator before distribution.

Sec. 103. Any creditor, whose debt is not due, may exhibit it to the executor, administrator or collector, as if it were due; and thereupon shall be considered as a creditor under this act, and shall receive a dividend of the estate of the said testator or intestate, deducting a rebate of legal interest, for what he shall of such debt, to be computed from the actual payment thereof, to the time such debt would have become due.

Sec. 104. The commissioners appointed under this act may examine any creditor upon oath, as to the justness of his demand, and whether the same or any part thereof has been paid; and any creditor who may swear falsely, on such examination, shall be deemed guilty of perjury; but the commissioners shall not allow any such claim merely upon the oath of the creditor alone, unsupported by other evidence. And if said commissioners, appointed by the Orphans' Court as aforesaid, shall fail or refuse to act, and make their report within the time specified in this act, the Court of Probate may appoint other commissioners, who will go on to determine what demands are just and reasonable, and what others should be rejected. And the said commissioners, so appointed, shall be entitled to two dollars per day during the time they may be necessarily engaged in attending to their business, as specified and pointed out by this act.

Sec. 105. Any false oath, taken by any one, whose duty it may be to take an oath, as pointed out by this act, shall be considered as perjury; and the person who may be guilty of taking any false oath, shall be deemed and treated as being guilty of perjury.

Sec. 106. The Judge of Probate shall be allowed the sum of three dollars per day, for each and every day he may be engaged in settling with any executor, administrator, collector or guardian, to be paid out of the estate which he may so be engaged in settling, and he shall be further entitled to the same fees as clerks of the county and circuit courts are now entitled to for similar services, and which last fees are to be paid in the same manner as the foregoing *per diem* allowance, and to be paid by the executor, administrator, collector or guardian, as the case may be. All of the fees and compensation to be paid to the Judge of Probate, shall be due and payable any time after six months from the time the services are rendered; and for such fees and compensation, distress may be made, under the same rules, regulations and restrictions as are now provided by law for the collection of clerk's fees.

Sec. 107. This act shall commence and be in force from and after the first day of June next; and all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

Mr. S. H. Anderson moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McElroy and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Edmonson, | Morehead, |
| Anderson, A. | Ellison, | Myers, |
| Anderson, S. H. | Field, | Newell, |
| Bailey, | Finn, | Newton, |
| Ballard, | Goodson, | Pirtle, |
| Bledsoe, | Gough, | Pope, |
| Bodine, | Graham, | Purdy, |
| Bradley, | Gray, B. E. | Reeves, |
| Bradshaw, | Gray, N. E. | Rodes, |
| Brooks, | Haggard, | Root, |
| Browder, | Hardy, | Rowan, |
| Buford, | Howard, | Royston, |
| Burden, | Hughes, | Rudd, |
| Butler, | Jasper, | Shanklin, |
| Clay, | Johnson, | Sharpe, |
| Coleman, | Lecompte, | Smith, I. |
| Cofer, | Marshall, | Smith, L. B. |
| Coffey, | McBrayer, | Sutton, |
| Combs, | McClure, | Taggart, |
| Cornish, | McElroy, | Thomas, |
| Daviess, | McFall, | Wade, |
| Dohoney, | Mims, | Yates—66. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Thornburg, |
| Messrs. Andrews, | Goble, | Trimble, |
| Apperson, | Heady, | Trumbo, |
| Basye, | Hopkins, | Walker, |
| Blair, | Morris, | White, |
| Buckner, | Rowlett, | Wintersmith–20. |
| Dorton, | Swope, | |

The House then took up for consideration, the bill from the Senate, entitled, an act to prescribe the duties of the Keeper and Clerk of the Penitentiary.

The amendments proposed to said bill by the committee, were then twice read and concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to incorporate the towns of New Haven, Hodgenville and Big Spring.

An act to increase the pay of Patrollers in Fayette county.

An act to increase the capital stock in the Falmouth Bridge Company.

An act to establish a State road from the mouth of Salt river to Bowling-green, through Grayson county.

An act to incorporate the Trustees of the Republican School, in Bracken county.

An act to change the place of voting, from the house of Henry Haynie, in Lawrence county, to that of John Rous, in said county, and to abolish an election precinct in Hardin county.

An act to provide for running the line between Marion and Washington.

An act for the benefit of Thompson N. Stratton, late Sheriff of Lewis county.

An act to enlarge the powers of the Trustees of the town of Brandenburg.

An act for the benefit of the infant heirs of Sam'l Pottinger, dec'd.

An act vesting the Trustees of the towns of Lebanon and Springfield with power to cause certain streets of said towns to be McAdamized or paved.

Were taken up, twice read and concurred in.

The amendment proposed by the Senate to the amendment of this House, to a bill from the Senate, entitled,

An act for the benefit of Anderson Dunn, Isaac Hemingway, and William Ratliffe—was twice read and concurred in.

A bill from the Senate, entitled, an act to incorporate the Kentucky and Louisville Mutual Insurance Company—was read the third time.

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to incorporate the College of Dental Surgeons of Kentucky—was read the first time.

*Ordered*, That said bill be referred to the committee for Courts of Justice.

A message was received from the Senate, announcing the passage of a bill from that House, entitled,

An act for the benefit of Noah C. Summers, and others.

The House then took up the bill further to provide for the internal improvement of the State,

Mr. Wade offered the following amendment as a substitute for the bill, viz:

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That to enable the Board of Internal Improvement of this State to pay the subscription of the Commonwealth to turnpike and other roads, and to bridges, and to complete such as have been put under contract, and have been commenced under the direction of the Board—the sum of three hundred thousand dollars is hereby appropriated for the year 1439.

2. That in addition to the sums heretofore appropriated to the Kentucky

river navigation, for the purpose of progressing with the five locks and dams now under contract, there is hereby appropriated, the sum of fifty five thousand dollars for the year 1839.

3. And in addition to the sums heretofore appropriated to the Licking river navigation, for the purpose of progressing with the five locks and dams now under contract on said river, the sum of thirty five thousand dollars is hereby appropriated for the year 1839.

4. That in order to complete the works now under contract on the Green and Barren river navigation, there is hereby appropriated the sum of twenty thousand dollars, in addition to the sums heretofore appropriated to the Green and Barren river navigation for the year 1839.

5. That for the purpose of raising the funds necessary for the prosecution of the works aforesaid, and such other works as are specifically named in this act, or such other work as may be authorized by special act of the present session, the Governor is hereby authorized to issue and sell the bonds or scrip of this Commonwealth, in the present year, to the amount of five hundred thousand dollars, at a rate of interest not exceeding six per centum per annum, redeemable at any time after thirty years.

6. That the Board of Internal Improvement shall cause to be spent, during the present year, the sum of three thousand dollars to the improvement of the descending navigation of the Bayou de Chien; which sum shall be expended under the direction of said board.

7. That it shall be the duty of the Board of Internal Improvement, during the present year, to improve the downward navigation of the Great South Fork of Cumberland river, from the Little Jumps to the mouth—for which purpose they are authorized to expend the sum of five thousand dollars.

8. That the sum of seven thousand dollars be, and the same is hereby appropriated to the downward navigation of the Cumberland river, from the Great Falls to the mouth of Laurel.

9. That the sum of thirty thousand dollars be, and the same is hereby appropriated, further to improve the road from Owingsville to the mouth of Big Sandy; and it shall be the duty of the Board of Internal Improvement to cause the same to be expended during the present year, with a view to the completion of said road in the year 1840: provided, that if the several sums appropriated in this act shall be more than may be required for the accomplishment of the work for which said appropriation was made, it shall then be the duty of the board to expend such portion of said appropriation as may be sufficient to accomplish said work.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wade and Coffey, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | Jasper, | Redd, |
| Burden, | Lecompte, | Rowan, |
| Coffey, | McClure, | Rowlett, |
| Ellison, | Mims, | Royston, |
| Howard, | Pirtle, | Wade—16. |
| Hughes, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | Morris, |
| Messrs. Allen, | Fox, | Myers, |
| Anderson, S. H. | Gano, | Newell, |
| Apperson, | Goble, | Newton, |
| Bailey, | Goodson, | Reeves, |
| Ballard, | Gough, | Ritter, |
| Basye, | Graham, | Rodes, |
| Blair, | Gray, B. E. | Root, |
| Bledsoe, | Gray, N. E. | Shanklin, |
| Bradshaw, | Haggard, | Sharpe, |
| Brooks, | Hardy, | Slaughter, |
| Browder, | Heady, | Smith, I. |
| Buford, | Hopkins, | Smith, L. B. |
| Butler, | Johnson, | Sprigg, |
| Clay, | Latimer, | Taggart, |
| Cofer, | Marshall, | Thomas, |
| Combs, | McBrayer, | Thornburg, |
| Cornish, | McClung, | Trimble, |
| Daviess, | McElroy, | Trumbo, |
| Dohoney, | McFall, | Walker, |
| Dorton, | Morehead, | White—64. |
| Edmonson, | | |

The fourth section of said bill reads as follows:

That for the purpose of raising the funds necessary for the prosecution of the works aforesaid, and such other works as may be authorized by the present General Assembly, the Governor is hereby authorized to sell the bonds or scrip of this Commonwealth, in the present year, to the amount of one million of dollars, at a rate of interest not exceeding six per centum per annum, redeemable at any time after thirty years.

Mr. Sprigg moved to strike out the word "six," and insert the word "five."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and S. H. Anderson, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | McClure, |
| Apperson, | Fox, | McElroy, |
| Ballard, | Goble, | Newell, |
| Bledsoe, | Gough, | Pirtle, |
| Bradley, | Graham, | Purdy, |
| Brooks, | Harris, | Redd, |
| Bullock, | Hopkins, | Rowan, |
| Buckner, | Howard, | Rowlett, |
| Burden, | Hughes, | Royston, |
| Cofer, | Jasper, | Rudd, |
| Coffey, | Johnson, | Sprigg, |

| | | |
|---|---|---|
| Cornish, | Latimer, | Sutton, |
| Dohoney, | Lecompte, | Wade—41. |
| Ellison, | McBrayer, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Reeves, |
| Messrs. Anderson, S. H. | Gray, B. E. | Ritter, |
| Andrews, | Gray, N. E. | Rodes, |
| Bailey, | Haggard, | Root, |
| Blair, | Hardy, | Shanklin, |
| Bradshaw, | Heady, | Sharpe, |
| Browder, | Marshall, | Slaughter, |
| Buford, | McClung, | Smith, I. |
| Butler, | McFall, | Smith, L. B. |
| Clay, | Mims, | Taggart, |
| Combs, | Morehead, | Thomas, |
| Daviess, | Morris, | Trimble, |
| Dorton, | Myers, | Trumbo, |
| Field, | Newton, | Walker, |
| Gano, | Pope, | White—45. |

Mr. Coffey moved to add to said bill, the following section, viz:

*Be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated to the improvement of the road from Greensburg, by way of Columbia, Jamestown and Monticello, to the Tennessee State line: provided, the Board of Internal Improvement shall be of opinion the same will be of sufficient public utility to justify the same.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McClure and Coffey, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | Harris, | Purdy, |
| Browder, | Heady, | Rowan, |
| Coffey, | Hughes, | Rowlett, |
| Dohoney, | Jasper, | Smith, I. |
| Ellison, | McClure, | Smith, L. B. |
| Finn, | Morehead, | Sutton, |
| Fox, | Morris, | Taggart, |
| Goble, | Myers, | Thomas, |
| Graham, | Newell, | White—29. |
| Gray, N. E. | Pirtle, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Edmonson, | Newton, |
| Anderson, S. H. | Field, | Pope, |
| Andrews, | Gano, | Redd, |
| Apperson, | Goodson, | Reeves, |
| Bailey, | Gough, | Ritter, |
| Ballard, | Gray, B. E. | Rodes, |
| Basye, | Haggard, | Root, |
| Blair, | Hopkins, | Royston, |
| Bledsoe, | Howard, | Rudd, |
| Bradshaw, | Johnson, | Shanklin, |
| Brooks, | Latimer, | Sharpe, |
| Buford, | Lecompte, | Slaughter, |
| Bullock, | Marshall, | Sprigg, |
| Cofer, | McBrayer, | Thornburg, |
| Combs, | McClung, | Trimble, |
| Cornish, | McElroy, | Trumbo, |
| Daviess, | McFall, | Wade, |
| Dorton, | Mims, | Walker—54. |

Mr. Bradley moved to amend said bill, by adding thereto the following section, viz:

*Be it further enacted*, That the Board of Internal Improvement shall be required to put under contract, the present year, one lock and dam on Pond river; and if the funds within the control of the Board will not otherwise authorize the expenditure of a sufficient sum to prosecute the work the present year, the Board shall direct that the several appropriations herein made to new locks and dams on Green, Barren, and Muddy rivers, be so divided and reduced as to carry on the improvements on Pond river *pari passu* with those streams.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. N. E. Gray and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Finn, | Myers, |
| Messrs. Allen, | Fox, | Newton, |
| Blair, | Goble, | Purdy, |
| Bradley, | Gough, | Reeves, |
| Bradshaw, | Gray, B. E. | Ritter, |
| Browder, | Gray, N. E. | Rowan, |
| Buford, | Harris, | Rowlett, |
| Buckner, | Heady, | Smith, I. |
| Burden, | Hopkins, | Smith, L. B. |
| Clay, | McClung, | Sutton, |
| Coffey, | McElroy, | Swope, |
| Dohoney, | Mims, | Taggart, |
| Edmonson, | Morehead, | White, |
| Ellison, | Morris, | Wintersmith—42. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Field, | O'Bannon, |
| Andrews, | Gano, | Pirtle, |
| Apperson, | Goodson, | Pope, |
| Bailey, | Graham, | Redd, |
| Ballard, | Haggard, | Root, |
| Basye, | Hardy, | Royston, |
| Bledsoe, | Howard, | Shanklin, |
| Brooks, | Hughes, | Sharpe, |
| Bullock, | Jasper, | Slaughter, |
| Butler, | Johnson, | Sprigg, |
| Coleman, | Latimer, | Thomas, |
| Cofer, | Lecompte, | Thornburg, |
| Combs, | Marshall, | Trimble, |
| Cornish, | McBrayer, | Trumbo, |
| Daviess, | McClure, | Wade, |
| Dorton, | Newell, | Walker—48. |

And then the House adjourned.

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## WEDNESDAY, FEBRUARY 13, 1839.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

An act for the benefit of the Sheriff of Livingston county.

An act to incorporate the town of Port Royal.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

An act to establish an election precinct at S. R. Pace's store, in Barren county.

An act authorizing the sale of real estate of Hiram Spurlocks, dec'd, and for other purposes.

An act to establish the town of Hillsborough, in Fleming county.

An act for the benefit of the representatives of Rodolphus B. Greathouse.

An act to increase the powers of the Trustees of the town of Columbia.

An act for the benefit of the heirs of Harman A. Stidger, dec'd.

An act for the benefit of the heirs of John Carey, dec'd.

An act to establish the town of Brooksville, in Bracken county.

An act for the relief of the widow and heirs of Robert S. Samuel.

An act for the divorce of Maria K. Vance.

An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin, and Thomas J. Gough, Justices of the Peace.

An act to incorporate the town of Wyoming, in the county of Bath.

With amendments to the two last named bills.

And the passage of bills from the Senate, of the following titles, viz:

An act to regulate the town of Clay village.

An act for the benefit of James Doyle, and his representatives.

An act for the benefit of the widow and heirs of Stephen Gilbert, dec'd.

1. Mr. Howard presented the petition of sundry citizens of Monroe county, praying for an additional Constable to said county.

2. Mr. Bledsoe presented the petition of Samuel Smedley, praying to be divorced from his wife, Ann Smedley.

Which were received, the reading thereof dispensed with, and referred—the 1st to Messrs. Howard, Sutton, Riffe and Rowan, and the 2d to the committee on Religion.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill granting a change of venue in the prosecution against James Lynn, jr.

By Mr. Heady—2. A bill for the improvement of the road from Taylorsville to Louisville.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The first was ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the joint committee of conference on the disagreement between the two Houses on the amendment proposed by this House to a bill from the Senate, entitled, an act to change the time of holding the Green Circuit Court—reported the following resolution, viz:

*Resolved*, That this House recede from their amendment to said bill.

Which being twice read, was adopted.

On motion of Mr. Blair,

*Ordered*, That leave of absence for the balance of the session, be granted him.

The House then resumed the consideration of the motion made by Mr. Edmonson, on yesterday, moving a re-consideration of the vote refusing to

engross and order to a third reading, the bill to confer banking privileges on the Louisville, Cincinnati and Charleston Railroad Company, on certain terms and conditions.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McClung and Todd, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Newell, |
| Messrs. Allen, | Edmonson, | Rodes, |
| Anderson, A. | Fox, | Root, |
| Anderson, S. H. | Gano, | Royston, |
| Andrews, | Goble, | Shanklin, |
| Apperson, | Goodson, | Sharpe, |
| Bailey, | Gray, B. E. | Slaughter, |
| Basye, | Gray, N. E. | Smith, L. B. |
| Bledsoe, | Haggard, | Sprigg, |
| Brooks, | Heady, | Swope, |
| Browder, | Jasper, | Thomas, |
| Buford, | Johnson, | Thornburg, |
| Clay, | McBrayer, | Trimble, |
| Coleman, | McFall, | Trumbo, |
| Coffey, | Morehead, | White, |
| Combs, | Morris, | Wintersmith, |
| Cornish, | Myers, | Yates—52. |
| Daviess, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Hardy, | Pope, |
| Blair, | Harris, | Purdy, |
| Bodine, | Hopkins, | Redd, |
| Bradley, | Howard, | Reeves, |
| Bradshaw, | Hughes, | Riffe, |
| Bullock, | Latimer, | Ritter, |
| Buckner, | Lecompte, | Rowan, |
| Burden, | Marshall, | Rowlett, |
| Butler, | McClung, | Rudd, |
| Cofer, | McClure, | Smith, I. |
| Dohoney, | McElroy, | Sutton, |
| Ellison, | Meriwether, | Taggart, |
| Field, | Mims, | Todd, |
| Finn, | Newton, | Wade, |
| Gough, | O'Bannon, | Walker—47. |
| Graham, | Pirtle, | |

Mr. Harris moved to amend said bill, by adding thereto the following, viz:

*Be it further enacted*, That the dividends of the said Bank, hereby located in Kentucky, shall be expended by the President and Directors of said

Bank, on the railroad within the State of Kentucky, until the road shall be completed; and the dividends so appropriated, shall be converted into railroad stock, for the use and benefit of the owner of said dividends.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardy and Rowan, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Graham, | O'Bannon, |
| Bodine, | Hardy, | Pirtle, |
| Bradley, | Harris, | Pope, |
| Bradshaw, | Hopkins, | Purdy, |
| Bullock, | Howard, | Redd, |
| Burden, | Hughes, | Riffe, |
| Butler, | Latimer, | Rowan, |
| Coffey, | Lecompte, | Rowlett, |
| Cornish, | Marshall, | Rudd, |
| Ellison, | McClung, | Smith, I. |
| Field, | McClure, | Sutton, |
| Finn, | McElroy, | Taggart, |
| Goble, | Mims, | Wade, |
| Gough, | Newton, | Walker—42. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dohoney, | Ritter, |
| Messrs. Allen, | Dorton, | Rodes, |
| Anderson, A. | Edmonson, | Root, |
| Anderson, S. H. | Fox, | Royston, |
| Andrews, | Gano, | Shanklin, |
| Apperson, | Goodson, | Sharpe, |
| Bailey, | Gray, B. E. | Slaughter, |
| Basye, | Gray, N. E. | Smith, L. B. |
| Blair, | Haggard, | Sprigg, |
| Bledsoe, | Heady, | Swope, |
| Brooks, | Jasper, | Thomas, |
| Browder, | Johnson, | Thornburg, |
| Buford, | McBrayer, | Todd, |
| Buckner, | McFall, | Trimble, |
| Clay, | Morehead, | Trumbo, |
| Coleman, | Morris, | White, |
| Cofer, | Myers, | Wintersmith, |
| Combs, | Newell, | Yates—56. |
| Daviess, | Reeves, | |

The question was then taken on ordering said bill to be engrossed and read a third time, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McClung and Todd, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Newell, |
| Messrs. Allen, | Dorton, | Rodes, |
| Anderson, S. H. | Edmonson, | Root, |
| Andrews, | Fox, | Royston, |
| Apperson, | Gano, | Shanklin, |
| Bailey, | Goodson, | Sharpe, |
| Basye, | Gray, B. E. | Slaughter, |
| Blair, | Gray, N. E. | Smith, L. B. |
| Bledsoe, | Haggard, | Sprigg, |
| Brooks, | Heady, | Swope, |
| Browder, | Jasper, | Thomas, |
| Buford, | Johnson, | Thornburg, |
| Clay, | McBrayer, | Trimble, |
| Coleman, | McFall, | Trumbo, |
| Coffey, | Morehead, | White, |
| Combs, | Morris, | Wintersmith, |
| Cornish, | Myers, | Yates—51. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Graham, | Pirtle, |
| Ballard, | Hardy, | Pope, |
| Bodine, | Harris, | Purdy, |
| Bradley, | Hopkins, | Redd, |
| Bradshaw, | Howard, | Reeves, |
| Bullock, | Hughes, | Riffe, |
| Buckner, | Latimer, | Ritter, |
| Burden, | Lecompte, | Rowan, |
| Butler, | Marshall, | Rowlett, |
| Cofer, | McClung, | Rudd, |
| Dohoney, | McClure, | Smith, I. |
| Ellison, | McElroy, | Sutton, |
| Field, | Meriwether, | Taggart, |
| Finn, | Mims, | Todd, |
| Goble, | Newton, | Wade, |
| Gough, | O'Bannon, | Walker—48. |

Mr. McClung then moved to dispense with the constitutional provision and third reading of said bill, and it was decided in the negative—it requiring a majority of four fifths to dispense.

The yeas and nays being required thereon, by Messrs. McClung and Marshall, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Hardy, | Purdy, |
| Blair, | Harris, | Redd, |
| Bodine, | Hopkins, | Reeves, |
| Bradley, | Howard, | Riffe, |
| Bradshaw, | Hughes, | Ritter, |
| Bullock, | Latimer, | Rowan, |
| Buckner, | Lecompte, | Rowlett, |
| Burden, | Marshall, | Rudd, |
| Butler, | McBrayer, | Slaughter, |
| Cofer, | McClung, | Smith, I. |
| Coffey, | McClure, | Sutton, |
| Cornish, | McElroy, | Swope, |
| Dohoney, | Meriwether, | Taggart, |
| Ellison, | Mims, | Todd, |
| Field, | Morehead, | Wade, |
| Finn, | Newton, | Walker, |
| Goble, | O'Bannon, | White, |
| Gough, | Pirtle, | Wintersmith, |
| Graham, | Pope, | Yates—57. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Combs, | Morris, |
| Messrs. Allen, | Daviess, | Myers, |
| Anderson, A. | Dorton, | Newell, |
| Anderson, S. H. | Edmonson, | Rodes, |
| Andrews, | Fox, | Root, |
| Apperson, | Gano, | Royston, |
| Bailey, | Goodson, | Shanklin, |
| Basye, | Gray, B. E. | Sharpe, |
| Bledsoe, | Gray, N. E. | Smith, L. B. |
| Brooks, | Haggard, | Sprigg, |
| Browder, | Heady, | Thomas, |
| Buford, | Jasper, | Thornburg, |
| Clay, | Johnson, | Trimble, |
| Coleman, | McFall, | Trumbo—42. |

The House then resumed the consideration of the bill further to provide for the internal improvement of the State.

Mr. Rowan moved to amend said bill, by adding thereto the following:

That the Board of Internal Improvement shall, as soon as practicable, put under contract one lock and dam on Rough creek, at the head of slackwater on said stream, at or near Ross's Ripple; and that the sum of twenty thousand dollars, out of the internal improvement fund, be, and the same is hereby, appropriated to the construction of said work, or so much thereof as will be sufficient to complete said improvement.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rowan and Yates, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Heady, | Riffe, |
| Bradley, | Hopkins, | Rowan, |
| Burden, | McClure, | Taggart, |
| Coffey, | McElroy, | Yates—14. |
| Gray, N. E. | Newton, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Field, | O'Bannon, |
| Anderson, S. H. | Finn, | Redd, |
| Andrews, | Fox, | Ritter, |
| Apperson, | Gano, | Rodes, |
| Bailey, | Goodson, | Rowlett, |
| Ballard, | Gough, | Royston, |
| Basye, | Graham, | Shanklin, |
| Blair, | Gray, B. E. | Sharpe, |
| Bledsoe, | Haggard, | Slaughter, |
| Bradshaw, | Hardy, | Smith, I. |
| Brooks, | Harris, | Smith, L. B. |
| Browder, | Howard, | Sprigg, |
| Buford, | Hughes, | Swope, |
| Bullock, | Jasper, | Thomas, |
| Buckner, | Johnson, | Thornburg, |
| Butler, | Latimer, | Todd, |
| Clay, | Lecompte, | Trimble, |
| Cofer, | McBrayer, | Trumbo, |
| Combs, | Mims, | Wade, |
| Cornish, | Morehead, | Walker, |
| Daviess, | Morris, | White, |
| Dorton, | Myers, | Wintersmith—67. |
| Edmonson, | | |

And then the House adjourned.

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## THURSDAY, FEBRUARY 14, 1839.

A message was received from the Senate, announcing that they had concurred in the amendments proposed by this House to a bill from the Senate, entitled,

An act prescribing the duties of the Keeper and Clerk of the Penitentiary.

And their disagreement to bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act for the benefit of the heirs of Aaron Foreman, dec'd.

An act for the benefit of Jas, E. Stone, Clerk of the Hancock County Court.

And the passage of bills from this House, of the following titles, viz:

An act for the benefit of Wm. Vice.

An act for the divorce of Eliza H. Bush.

An act for the divorce of John M. Emerson, jr.

An act appointing Trustees of the Lebanon Academy, in Todd county.

An act for the benefit of John G. Scroggin, Surveyor of Bourbon county.

An act for the benefit of the Sheriff of Montgomery county.

An act for the benefit of Thomas Sweeney.

An act for the benefit of the Sheriff of Jefferson county.

And had passed bills from the Senate of the following titles, viz:

An act to incorporate the Jefferson Turnpike Company.

An act to incorporate the Louisville and Mississippi Railroad Company.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to amend the charter of the Maysville Insurance Company.

An act for the benefit of John B. Whitford, and his securities.

An act to regulate the mode of appointing Trustees to the Cumberland Hospital.

An act increasing the allowance to the Jailor of McCracken county, for keeping runaway slaves.

An act for the benefit of Sythey Ellis.

Mr. Hardy, from the committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act prescribing the duties of the Keeper and Clerk of the Penitentiary.

An act for the benefit of Anderson Dunn and Isaac Hemingway, and Wm. Ratliffe.

An to change the time of holding the Green Circuit Court.

An act for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

An act for the benefit of Rebecca Evans.

An act to repeal so much of the 79th section of the militia law as requires the militia men to carry guns to muster.

An act to authorize a change of venue in the trial of John S. Lasley.

An act to amend an act, dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State by the Banks of this Commonwealth.

An act for the benefit of Wm. Spratt, and others.

An act for the benefit of the estate of Franklin C. Averill.

An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their Trustees, and for other purposes—approved Feb. 9, 1837.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16, 1838.

An act to amend the law concerning the action of trespass.

An act for the benefit of Mary McBrayer and her children.

An act to amend the 7th section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act to incorporate the Maysville Lyceum.

An act for the benefit of Harrison Rankin, and wife, and children.

An act to appoint Trustees for the town of Summersville.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

1. Mr. Riffe presented the petition of Elizabeth McWhorter, adm'x of John McWhorter, dec'd, praying for the sale of a tract of land belonging to said decedent.

2. Mr. Gano presented the remonstrance of sundry citizens of Scott county, against a change in the place of voting, in a precinct said county.

Which petition and remonstrance were received, the reading thereof dispensed with, and referred—the 1st to the committee for Courts of Justice, and the 2d to the committee on Privileges and Elections.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hughes—1. A bill for the benefit of the Sheriff of Livingston county.

On the motion of Mr. Ritter—2. A bill to provide for opening a road from Glasgow, by the way of Bell's tavern and Mammoth Cave, to the mouth of Salt river.

*Ordered*, That Messrs. Hughes, McElroy and Hopkins prepare and bring in the 1st, and Messrs. Ritter, Bailey and Yates, the 2d.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed an enrolled bill from the Senate, entitled,

An act to prescribe the duties of the Keeper and Clerk of the Penitentiary.

Mr. O'Bannon, from the committee on Military Affairs, made the following report, viz:

[*For this report—see Appendix.*]

Mr. O'Bannon, from the same committee, read and laid on the table the following resolution, viz:

*Resolved*, That the Governor be requested to cause such steps to be taken, as in his judgment may be proper, to prooure from the United States a return of the arms and accoutrements loaned by the State of Kentucky to the General Government, for arming a detachment of the Kentucky Militia, ordered into the service of the United States, under the command of Major General Andrew Jackson, for the defence of New Orleans, in the year 1814.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill to change the location of the seat of government of this Commonwealth—reported the same without amendment.

The said bill was read, as follows, viz:

Whereas, it is made manifest, from the experience of many years, that the members of both branches of the Legislature, as well as the citizens of this Commonwealth, generally, are exposed to great inconvenience and annoyance, from the present location of the seat of government of this State; and as facilities of access to more central positions are now permanently established by the present advanced state of our internal improvements; and as some more southern and central position will be less liable to many of the thousand objections and difficulties incident to the present site and its vicinity, by affording better and cheaper living, a more wholesome air, purer water, and a more salubrious climate, under a clear sky, and *above ground;* and thus relieve the future representatives of the enlightened people of Kentucky from the necessity of making an annual descent to the gloomy subterranean site of the present Capitol of Kentucky: Therefore,

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of November, 1839, the seat of government of this Commonwealth shall be held and situated at the town of ——, in the county of ———, and for every year thereafter, until the same shall be removed and located elsewhere, by the General Assembly of the State of Kentucky.

Mr. Gough moved to amend said bill, in the first section, by striking out the words "at the town of ———, in the county of ———," and inserting in lieu thereof, the words "at the city of Louisville."

Mr. Harris moved to lay said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Morehead and Buford, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Cornish, | Reeves, |
| Messrs. Anderson, A. | Dorton, | Rodes, |
| Anderson, S. H. | Field, | Root, |
| Andrews, | Gano, | Rowlett, |
| Apperson, | Goble, | Royston, |

| | | |
|---|---|---|
| Bailey, | Gray, N. E. | Shanklin, |
| Basye, | Hardy, | Sharpe, |
| Bledsoe, | Harris, | Smith, I. |
| Bradley, | Hopkins, | Smith, L. B. |
| Bradshaw, | Johnson, | Thomas, |
| Brooks, | Latimer, | Thornburg, |
| Browder, | Lecompte, | Todd, |
| Buford, | McBrayer, | Trimble, |
| Bullock, | Morehead, | Trumbo, |
| Buckner, | Morris, | Wade, |
| Butler, | Myers, | Walker, |
| Clay, | O'Bannon, | White, |
| Coleman, | Redd, | Wintersmith–54. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Goodson, | McFall, |
| Ballard, | Gough, | Meriwether, |
| Bodine, | Graham, | Mims, |
| Burden, | Gray, B. E. | Newell, |
| Cofer, | Haggard, | Pirtle, |
| Coffey, | Heady, | Purdy, |
| Daviess, | Howard, | Riffe, |
| Dohoney, | Hughes, | Ritter, |
| Edmonson, | Jasper, | Rowan, |
| Ellison, | McClung, | Sutton, |
| Finn, | McClure, | Taggart, |
| Fox, | McElroy, | Yates—37. |

Mr. Hopkins moved a re-consideration of the vote passing a bill, entitled, an act granting a change of venue in the prosecution against James Lynn, jr., and it was decided in the affirmative.

After some discussion had thereon,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill to reduce the salaries of certain officers in this Commonwealth —reported the same, with an amendment as a substitute, which was concurred in.

*Ordered*, That said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill to regulate the Ninth and Twelfth Judicial Districts—reported the same with amendments, which were concurred in.

*Ordered*, That said bill be engrossed and read a third time, as amended.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill to authorize the County Court of Woodford county to convey to Trustees a portion of the Public Square in the town of Versailles.

By the committee on Religion—2. A bill for the divorce of Samuel Smedley.

By same—3. A bill for the divorce of Polly Hurt.

By the committee on Ways and Means—4. A bill for the benefit of the Sheriff of Floyd county.

By same—5. A bill to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

By same—6. A bill for the benefit of the Clerks of this Commonwealth.

By Mr. Trimble—7. A bill to encourage the manufacture of railroad iron in Kentucky, and for other purposes.

By the committee on Claims—8. A bill for the benefit of Sandy H. Aldridge.

By Mr. Field—9. A bill for the benefit of the orphans of Louisville.

By Mr. Daviess—10. A bill allowing an additional Justice of the Peace to the county of Mercer.

By the committee for Courts of Justice—11. A bill for the benefit of the heirs of Lewis Sullenger, dec'd.

By Mr. Browder—12. A bill to amend an act to incorporate the Russellville and Clarksville Turnpike Road Company.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 2d, 3d, 4th, 5th, 6th, 8th, 9th, 10th, 11th and 12th were ordered to be engrossed and read a third time, and the 7th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th 8th, 9th, 10th, 11th and 12th bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the committee on Internal Improvement, to

whom was referred a bill from the Senate, entitled, an act to amend the charter of the Logan, Todd and Christian Turnpike Road Company—reported the same without amendment.

Mr. Smith offered an amendment to said bill; and after some discussion had thereon, and the hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

A message was received from the Senate, by Mr. Wingate, announcing that they were ready to proceed to the election of public officers.

After an interchange of nominations between the two houses, the House proceeded to vote; and committees were appointed to meet committees on the part of the Senate, to compare the joint vote, and report the result.—After a short time, the committees on the part of this House reported that they had performed the duty assigned them, and that Mr. James Davidson had received the unanimous vote of both houses, as Treasurer; that Mr. Albert G. Hodges had received the unanimous vote of both houses, as Public Printer; that Mr. George A. Robertson had received the unanimous vote of both houses, as Librarian; and that Mr. Henry Wingate had received the unanimous vote of both houses, as President, and Mr. James Davidson and Owen G. Cates, as Directors of the Bank of the Commonwealth.

Whereupon they were severally declared duly elected to those offices for the ensuing year.

The vote of this House, for Keeper and Agent of the Penitentiary, stood as follows, viz:

Those who voted for Mr. Theobold, were—

Mr. Speaker,
Messrs. Allen,
Anderson, A.
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Ballard,
Bledsoe,
Bodine,
Bradshaw,
Brooks,
Browder,
Bullock,
Buckner,
Butler,
Clay,
Coleman,
Cofer,
Combs,
Cornish,
Daviess,
Edmonson,
Field,
Finn,
Fox,
Gano,
Goodson,
Gough,
Graham,
Gray, B. E.
Gray, N. E.
Haggard,
Hardy,
Hopkins,
Hughes,
Jasper,
Latimer,
McElroy,
Morehead,
Morris,
Myers,
Newell,
O'Bannon,
Pope,
Purdy,
Redd,
Reeves,
Rodes,
Root,
Rowlett,
Royston,
Shanklin,
Sharpe,
Slaughter,
Smith, I.
Sprigg,
Swope,
Thornburg,
Todd,
Trimble,
Trumbo,
Walker,
Wintersmith,
Yates—65.

62

Those who voted for Mr. Lewis, were—

| | | |
|---|---|---|
| Messrs. Basye, | Howard, | Pirtle, |
| Bradley, | Johnson, | Riffe, |
| Buford, | Lecompte, | Ritter, |
| Burden, | Marshall, | Rowan, |
| Coffey, | McBrayer, | Rudd, |
| Dohoney, | McClung, | Smith, L. B. |
| Dorton, | McClure, | Sutton, |
| Ellison, | McFall, | Taggart, |
| Goble, | Meriwether, | Thomas, |
| Harris, | Mims, | Wade, |
| Heady, | Newton, | White—33. |

The committee on the part of this House reported that the joint vote stood thus:

| | |
|---|---|
| For Mr. Thomas S. Theobald, - - - - - - | 95 |
| For Mr. Charles B. Lewis, - - - - - - - | 41 |

Mr. Thomas S. Theobald having received a majority of all the votes given, was declared to be duly elected Agent and Keeper of the Penitentiary.

The House again resumed the consideration of the bill further to provide for the internal improvement of the State.

Mr. N. E. Gray moved to amend said bill, by adding to the third section the following proviso, viz:

*Be it further enacted*, That the additional lock and dam on Big Barren river shall not be constructed, unless the Board of Internal Improvement, after a re-survey and critical examination of said stream, by the Chief Engineer, be of opinion that it will be expedient and of sufficient public utility to justify the expenditure.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. N. E. Gray and White, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gough, | Pirtle, |
| Basye, | Gray, N. E. | Reeves, |
| Bradley, | Heady, | Rowan, |
| Bradshaw, | Hopkins, | Rowlett, |
| Buford, | Johnson, | Swope, |
| Coffey, | Marshall, | Taggart, |
| Combs, | McClure, | Trimble, |
| Dohoney, | Morris, | Wade, |
| Ellison, | Newell, | White, |
| Goble, | O'Bannon, | Wintersmith—30. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Goodson, | Purdy, |
| Bailey, | Graham, | Redd, |
| Ballard, | Gray, B. E. | Riffe, |
| Bledsoe, | Haggard, | Ritter, |
| Bodine, | Hardy, | Rodes, |
| Brooks, | Howard, | Root, |
| Browder, | Hughes, | Royston, |
| Bullock, | Jasper, | Rudd, |
| Buckner, | Latimer, | Shanklin, |
| Butler, | McBrayer, | Sharpe, |
| Coleman, | McClung, | Smith, I. |
| Cofer, | McElroy, | Sutton, |
| Cornish, | Meriwether, | Thomas, |
| Dorton, | Mims, | Todd, |
| Edmonson, | Morehead, | Trumbo, |
| Field, | Myers, | Walker, |
| Finn, | Pope, | Yates—51. |

Mr. Marshall and Mr. Wade having offered amendments,

Mr. Shanklin moved the previous question, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wintersmith and Coffey, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Field, | Riffe, |
| Andrews, | Fox, | Ritter, |
| Apperson, | Gano, | Rodes, |
| Bailey, | Goble, | Root, |
| Basye, | Goodson, | Rudd, |
| Bledsoe, | Gray, B. E. | Shanklin, |
| Brooks, | Haggard, | Sharpe, |
| Browder, | Hardy, | Slaughter, |
| Buford, | Johnson, | Smith, I. |
| Butler, | Latimer, | Sutton, |
| Clay, | McBrayer, | Thomas, |
| Coleman, | McClung, | Todd, |
| Combs, | Mims, | Trimble, |
| Cornish, | Morris, | Trumbo, |
| Daviess, | Myers, | Walker, |
| Dorton, | Newell, | White—50. |
| Edmonson, | O'Bannon, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Graham, | Pirtle, |
| Ballard, | Gray, N. E. | Pope, |
| Bodine, | Heady, | Purdy, |
| Bradley, | Hopkins, | Redd, |

| | | |
|---|---|---|
| Bradshaw, | Howard, | Rowan, |
| Bullock, | Hughes, | Rowlett, |
| Buckner, | Jasper, | Royston, |
| Burden, | Lecompte, | Smith, L. B. |
| Cofer, | Marshall, | Sprigg, |
| Coffey, | McClure, | Taggart, |
| Dohoney, | McElroy, | Wade, |
| Ellison, | Meriwether, | Wintersmith, |
| Finn, | Morehead, | Yates—41. |
| Gough, | Newton, | |

The main question was then put, Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Coffey and Burden, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Fox, | Newell, |
| Anderson, S. H. | Gano, | Pope, |
| Andrews, | Goble, | Reeves, |
| Apperson, | Goodson, | Ritter, |
| Bailey, | Gray, B. E. | Rodes, |
| Basye, | Gray, N. E. | Root, |
| Bledsoe, | Haggard, | Shanklin, |
| Bradshaw, | Hardy, | Sharpe, |
| Brooks, | Johnson, | Slaughter, |
| Browder, | Latimer, | Smith, I. |
| Buford, | Marshall, | Smith, L. B. |
| Butler, | McBrayer, | Sutton, |
| Clay, | McClung, | Swope, |
| Coleman, | McFall, | Thomas, |
| Combs, | Meriwether, | Todd, |
| Cornish, | Mims, | Trimble, |
| Daviess, | Morehead, | Trumbo, |
| Dorton, | Morris, | Walker, |
| Edmonson, | Myers, | White—58. |
| Field, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Graham, | Purdy, |
| Bodine, | Heady, | Redd, |
| Bradley, | Hopkins, | Riffe, |
| Bullock, | Howard, | Rowan, |
| Buckner, | Hughes, | Rowlett, |
| Burden, | Jasper, | Royston, |
| Cofer, | Lecompte, | Rudd, |
| Coffey, | McClure, | Sprigg, |

| | | |
|---|---|---|
| Dohoney, | McElroy, | Taggart, |
| Ellison, | Newton, | Wade, |
| Finn, | O'Bannon, | Wintersmith, |
| Gough, | Pirtle, | Yates—36. |

And then the House adjourned.

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## FRIDAY, FEBRUARY 15, 1839.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to the amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

And their disagreement to the amendment proposed by this House to a bill from the Senate, entitled,

An act to amend the law of petition and summons, and actions on joint contracts.

And their concurrence in the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act to amend the charter of the town of Paducah.

An act to incorporate the town of Louisa, in Lawrence county.

An act to reduce into one, the several acts in relation to the town of Frankfort, and for other purposes.

An act to incorporate the town of Rumsey.

And had passed bills from this House, of the following titles, viz:

An act to establish the Southern Bank of Kentucky.

An act to provide for the appointment of Attorneys for this Commonwealth.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave, made by him.

An act for the benefit of the heirs and representatives of Joseph Walker.

An act changing the terms of the Fayette Circuit Court.

With amendments to each.

And had passed bills from the Senate, of the following titles, viz:

An act to provide the mode of compensating the owners of mills injured by slackwater navigation.

An act to increase the powers of the Trustees of the town of Barboursville.

An act for the benefit of the executor of Thomas P. Gibbs.

An act to repeal in part, an act to change the bounds of the 7th Division of the Kentucky Militia, and for other purposes.

Bills from the Senate, of the following titles, viz:

8. An act for the benefit of the late and present Sheriffs of Washington county.

2. An act for the benefit of James Doyle, and his legal representatives.

3. An act for the benefit of the widow and heirs of Stephen Gilbert, dec.

4. An act to regulate the town of Clay village.

5. An act to incorporate the Louisville and Mississippi Railroad Company.

6. An act to incorporate the Jefferson Turnpike Company.

7. An act to allow an additional Justice of the Peace and Constable for Washington county.

8. An act to amend the charter of the Maysville Insurance Company.

9. An act for the benefit of John B. Whitford, and his securities.

10. An act to regulate the mode of appointing Trustees to the Cumberland Hospital.

11. An act increasing the allowance to the Jailor of McCracken county, for keeping runaway slaves.

12. An act for the benefit of Sythey Ellis.

13. An act to incorporate the Green river Copperas, Allum and Coal Mining Company.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 11th and 12th were referred to the committee on Ways and Means; the 2d, 3d, 8th and 13th to the committee for Courts of Justice; the 4th, 7th and 10th were ordered to be engrossed and read a third time; the 5th and 6th to the committee on Internal Improvement, and the 9th to the committee on Military Affairs.

The rule of the House, constitutional provision and third reading of the 4th, 7th and 10th bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of Enoch Yantis, John Gaines, Hamilton Martin, and Thomas J. Gough, Justices of the Peace.

An act incorporating the town of Wyoming, in the county of Bath.

Were taken up, twice read and concurred in.

On motion of Mr. Dorton—Leave was given to withdraw the petition of the citizens of Harlan county, and the same was withdrawn.

On motion of Mr. Morehead—Leave was given to withdraw the petitions of Wm. Matthews and Thos. Pulliam, and the same were withdrawn.

Mr. Hardy, from the committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Blue Lick Hotel and Water Company.

An act to reduce into one, the several acts in relation to the town of Frankfort, and for other purposes.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

On motion of Mr. Edmonson—Leave was given to bring in a bill to incorporate the Munfordsville Polemic and Literary Society.

*Ordered*, That Messrs. Edmonson, Clay and Johnson prepare and bring in the same.

Mr. Howard, from the select committee appointed to prepare and bring in the same—reported a bill to allow an additional Constable to the county of Monroe.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Clay, from the committee on Education, to whom was referred a bill from the Senate, entitled, an act to incorporate the Transylvania Institute, and for other purposes—reported the same with sundry amendments, which were concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to incorporate a company to construct a turnpike road from the mouth of Salt river to Smithland—reported the same with amendments, which were concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Royston presented the petition of John Jarman, praying the passage of a law authorizing certain moneys to be paid him, for services and advances on the Wilderness road.

Which was received, the reading thereof dispensed with, and referred to the committee on Internal Improvement.

Mr. Finn moved the following resolution, viz:

*Resolved*, That the Board of Internal Improvement be instructed to cause to be expended, one thousand dollars, on Big Trammell, from Carpenter's mill to its mouth; said sum to be part of $7,500, which was appropriated to Big Barren river and its tributaries, by an act passed Feb. 18th, 1837.

Mr. S. H. Anderson then moved the following as a substitute for said resolution, viz:

*Resolved*, That the committee on Internal Improvement be instructed to inquire into the expediency of authorizing the sum of one thousand dollars to be expended in improving the navigation of Trammell's Fork.

And the question being taken thereon, it was decided in the affirmative.

The said substitute was then twice read and adopted.

The engrossed bill entitled, an act further to provide for the internal improvement of the State—was read a third time.

Mr. Yates moved to amend said bill, by adding thereto the following clause, by way of engrossed ryder, viz:

*Be it further enacted*, That it shall be the duty of the Board of Internal Improvement to expend, or cause to be expended, during the year 1839, the amount of money heretofore appropriated to the improvement of the descending navigation of Nolin, Bear, and Caney creeks.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Yates and Andrews, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Goble, | Smith, I. |
| Apperson, | Gough, | Smith, L. B. |
| Buford, | Gray, N. E. | Sprigg, |
| Burden, | Heady, | Sutton, |
| Cofer, | McElroy, | Taggart, |
| Coffey, | Myers, | White, |
| Dohoney, | Newell, | Wintersmith, |
| Edmonson, | Purdy, | Yates—26. |
| Ellison, | Riffe, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Gano, | Morris, |
| Anderson, S. H. | Goodson, | O'Bannon, |
| Andrews, | Graham, | Pirtle, |
| Bailey, | Gray, B. E. | Pope, |
| Ballard, | Haggard, | Redd, |
| Basye, | Hardy, | Reeves, |
| Bledsoe, | Harris, | Ritter, |
| Bodine, | Hopkins, | Rodes, |
| Bradley, | Howard, | Rowan, |
| Bradshaw, | Hughes, | Rowlett, |
| Brooks, | Jasper, | Royston, |
| Bullock, | Johnson, | Rudd, |
| Buckner, | Latimer, | Shanklin, |
| Butler, | Lecompte, | Sharpe, |
| Clay, | Marshall, | Slaughter, |
| Coleman, | McBrayer, | Swope, |
| Combs, | McClung, | Thomas, |
| Cornish, | McClure, | Todd, |
| Daviess, | McFall, | Trimble, |
| Dorton, | Meriwether, | Trumbo, |
| Field, | Mims, | Wade, |
| Finn, | Morehead, | Walker—67. |
| Fox, | | |

Mr. Taggart then moved to amend said bill, by adding thereto the following clause, by way of engrossed ryder, viz:

*Be it further enacted*, That the Board of Internal Improvement shall put one lock and dam under contract, on Pond river, in the year 1839; and that five thousand dollars is hereby appropriated for that purpose.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Andrews and Taggart, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Apperson, | Gray, B. E. | Pope, |
| Bodine, | Gray, N. E. | Purdy, |
| Bradley, | Heady, | Reeves, |
| Bradshaw, | Hopkins, | Riffe, |
| Browder, | Marshall, | Rodes, |
| Buckner, | McClung, | Rowan, |
| Burden, | McClure, | Smith, I. |
| Clay, | McElroy, | Taggart, |
| Coffey, | Meriwether, | Thornburg, |
| Dohoney, | Morehead, | Todd, |
| Edmonson, | Myers, | White, |
| Ellison, | Newton, | Wintersmith, |
| Finn, | Pirtle, | Yates—39. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Gano, | O'Bannon, |
| Anderson, A. | Goble, | Redd, |
| Anderson, S. H. | Goodson, | Ritter, |
| Andrews, | Gough, | Root, |
| Bailey, | Graham, | Rowlett, |
| Ballard, | Haggard, | Royston, |
| Basye, | Hardy, | Rudd, |
| Bledsoe, | Harris, | Shanklin, |
| Brooks, | Howard, | Sharpe, |
| Buford, | Hughes, | Slaughter, |
| Bullock, | Jasper, | Smith, L. B. |
| Butler, | Johnson, | Sprigg, |
| Coleman, | Latimer, | Sutton, |
| Cofer, | Lecompte, | Swope, |
| Combs, | McBrayer, | Thomas, |
| Cornish, | McFall, | Trimble, |
| Daviess, | Mims, | Trumbo, |
| Dorton, | Morris, | Wade, |
| Field, | Newell, | Walker—58. |
| Fox, | | |

Mr. Morehead then moved an amendment to said bill, by way of engrossed ryder, which is as follows, viz:

*Be it further enacted*, That if, in the opinion of the Governor, it will be to the advantage of the Commonwealth, to make the bonds payable in sterling money, which are herein directed to be issued, that he is authorized to do so, estimating the pound sterling at four dollars and forty four cents; and that the Commissioners of the Sinking Fund shall, on the return of the agent charged with the sale of the said bonds, give him such compensation for his services, as may appear to them reasonable and just; deducting therefrom whatever may have been advanced to defray his expenses.

Mr. Johnson moved to amend said engrossed ryder, by adding thereto the following proviso, viz:

Provided, however, if the Commmissioners of the Sinking Fund shall give to the said agent a greater salary than the next Legislature may consider reasonable, that said Commissioners shall be personally responsible for the amount so deemed unreasonable: provided, however, that the salary given to said agent shall be subject to the ratification of the next Legislature.

And the question being taken on said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Johnson and Coffey, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Gough, | Newell, |
| Bradley, | Graham, | Pirtle, |
| Buford, | Harris, | Purdy, |
| Burden, | Heady, | Redd, |
| Coffey, | Howard, | Riffe, |
| Cornish, | Hughes, | Rowan, |
| Dohoney, | Johnson, | Rudd, |
| Ellison, | Lecompte, | Taggart, |
| Finn, | McClure, | Wade, |
| Fox, | McElroy, | Yates—30. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | Pope, |
| Messrs. Allen, | Gano, | Reeves, |
| Anderson, A. | Goble, | Ritter, |
| Anderson, S. H. | Goodson, | Rodes, |
| Andrews, | Gray, B. E. | Royston, |
| Apperson, | Gray, N. E. | Shanklin, |
| Bailey, | Haggard, | Sharpe, |
| Basye, | Hardy, | Slaughter, |
| Bledsoe, | Hopkins, | Smith, I. |
| Bodine, | Jasper, | Smith, L. B. |
| Bradshaw, | Latimer, | Sprigg, |
| Brooks, | Marshall, | Sutton, |
| Browder, | McBrayer, | Swope, |
| Bullock, | McFall, | Thomas, |
| Buckner, | Meriwether, | Thornburg, |
| Butler, | Mims, | Todd, |
| Clay, | Morehead, | Trimble, |
| Coleman, | Morris, | Trumbo, |
| Cofer, | Myers, | Walker, |
| Combs, | Newton, | White, |
| Daviess, | O'Bannon, | Wintersmith—64. |
| Edmonson, | | |

The engrossed ryder offered by Mr. Morehead, was then twice read, and adopted.

Mr. S. H. Anderson then moved the previous question, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wintersmith and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Rodes, |
| Messrs. Anderson, A. | Field, | Root, |
| Anderson, S. H. | Fox, | Rudd, |
| Andrews, | Gano, | Shanklin, |

| | | |
|---|---|---|
| Bailey, | Goodson, | Sharpe, |
| Basye, | Gray, B. E. | Slaughter, |
| Bledsoe, | Haggard, | Smith, I. |
| Bradshaw, | Hughes, | Smith, L. B. |
| Brooks, | Jasper, | Sutton, |
| Browder, | Latimer, | Swope, |
| Buford, | McBrayer, | Thomas, |
| Bullock, | McFall, | Thornburg, |
| Butler, | Mims, | Todd, |
| Clay, | Morehead, | Trimble, |
| Coleman, | Morris, | Trumbo, |
| Cofer, | Myers, | Wade, |
| Combs, | Newell, | Walker, |
| Cornish, | O'Bannon, | White—56. |
| Daviess, | Ritter, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Graham, | Newton, |
| Apperson, | Gray, N. E. | Pirtle, |
| Ballard, | Hardy, | Pope, |
| Bodine, | Harris, | Purdy, |
| Bradley, | Heady, | Redd, |
| Buckner, | Hopkins, | Reeves, |
| Burden, | Howard, | Riffe, |
| Coffey, | Johnson, | Rowan, |
| Dohoney, | Lecompte, | Royston, |
| Ellison, | Marshall, | Sprigg, |
| Finn, | McClure, | Taggart, |
| Goble, | McElroy, | Wintersmith, |
| Gough, | Meriwether, | Yates—39. |

The main question was then put, Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Gough and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Newell, |
| Messrs. Allen, | Goble, | Pope, |
| Anderson, S. H. | Goodson, | Reeves, |
| Andrews, | Gray, B. E. | Rodes, |
| Bailey, | Gray, N. E. | Root, |
| Basye, | Haggard, | Shanklin, |
| Bledsoe, | Harris, | Sharpe, |
| Bradshaw, | Johnson, | Slaughter, |
| Brooks, | Latimer, | Smith, I. |
| Browder, | Marshall, | Smith, L. B. |
| Buford, | McBrayer, | Swope, |

| | | |
|---|---|---|
| Butler, | McFall, | Thomas, |
| Clay, | Meriwether, | Thornburg, |
| Coleman, | Mims, | Todd, |
| Combs, | Morehead, | Trimble, |
| Daviess, | Morris, | Trumbo, |
| Edmonson, | Myers, | Walker—52. |
| Field, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Gough, | Purdy, |
| Apperson, | Graham, | Redd, |
| Ballard, | Hardy, | Riffe, |
| Bodine, | Heady, | Ritter, |
| Bradley, | Hopkins, | Rowan, |
| Bullock, | Howard, | Royston, |
| Buckner, | Hughes, | Rudd, |
| Burden, | Jasper, | Sprigg, |
| Cofer, | Lecompte, | Sutton, |
| Coffey, | McClure, | Taggart, |
| Cornish, | McElroy, | Wade, |
| Dohoney, | Newton, | White, |
| Ellison, | O'Bannon, | Wintersmith, |
| Finn, | Pirtle, | Yates—43. |
| Fox, | | |

*Resolved*, That the title of the said bill be as aforesaid.

The House then took up for consideration the amendments proposed by the Senate to a bill from this House, entitled,

An act to establish the Southern Bank of Kentucky.

Mr. N. E. Gray moved to amend the 47th section, which was proposed as an amendment by the Senate, by striking out of said section the following words: "But neither the mother bank nor the said branch shall be located at either of the places where a branch of the Bank of Kentucky is established," and insert in lieu thereof the following: "But if the mother bank is located at any place where there is a branch of the Bank of Kentucky, the branch shall be located at a place where there is no branch."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. N. E. Gray and Bradshaw, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Apperson, | Gray, N. E. | Redd, |
| Ballard, | Harris, | Reeves, |
| Bradley, | Lecompte, | Rowan, |
| Bradshaw, | Marshall, | Rowlett, |
| Buford, | McClung, | Shanklin, |
| Bullock, | McClure, | Smith, I. |

| | | |
|---|---|---|
| Cofer, | Meriwether, | Taggart, |
| Edmonson, | Mims, | Todd, |
| Field, | Morehead, | White, |
| Gano, | Newton, | Wintersmith–31. |
| Gough, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Newell, |
| Messrs. Allen, | Finn, | O'Bannon, |
| Anderson, A. | Fox, | Pirtle, |
| Anderson, S. H. | Goble, | Pope, |
| Andrews, | Goodson, | Riffe, |
| Bailey, | Graham, | Ritter, |
| Basye, | Gray, B. E. | Rodes, |
| Bledsoe, | Haggard, | Root, |
| Bodine, | Hardy, | Royston, |
| Brooks, | Heady, | Sharpe, |
| Browder, | Hopkins, | Slaughter, |
| Butler, | Howard, | Smith, L. B. |
| Clay, | Hughes, | Sprigg, |
| Coleman, | Jasper, | Sutton, |
| Coffey, | Johnson, | Swope, |
| Combs, | Latimer, | Thornburg, |
| Cornish, | McBrayer, | Trimble, |
| Daviess, | McElroy, | Trumbo, |
| Dohoney, | McFall, | Wade, |
| Dorton, | Myers, | Walker—60. |

The said amendments were twice read, and concurred in.

And then the House adjourned.

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## SATURDAY, FEBRUARY 16, 1839.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land.

And the passage of bills from this House, of the following titles, viz:

An act concerning the towns of Warsaw and Monticello.

An act for the benefit of John Myers.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

An act to reduce into one, the several attachment laws, and for settling the proceedings on attachments against absconding debtors.

An act to incorporate the Hickman Turnpike Company.

An act for the benefit of James W. Finnie.

An act for the benefit of William Gilpin and Frances Gilpin.

An act to incorporate the Newton Society of Bacon College.

An act for the benefit of George W. Williams.

An act for the benefit of Fountain Cunningham.

An act to change the place of voting in the Scaffle Cane Precinct, in Rockcastle county.

An act for the benefit of John Steele.

An act requiring a special County Court to be held in Shelby county, for the purpose of swearing in Deputy Sheriffs.

An act for the benefit of Dawson Elliott, of Madison county.

An act to establish an election precinct in Madison county.

An act to abolish the election precinct at Peter Miller's, on Knob creek, in Bullitt county.

An act for the divorce of Rebecca Hutchinson.

An act for the benefit of the Clerks of this Commonwealth.

An act to allow an additional Justice of the Peace and Constable to Bath county, and an additional Justice of the Peace to Graves county.

With an amendment to the last bill.

And the passage of bills from the Senate, of the following titles, viz:

An act for the benefit of Otho Wilson.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act authorizing the Clarke County Court to appoint a Treasurer.

An act for the benefit of the Sheriff of Caldwell county.

An act to enforce a uniform valuation of taxable property.

Leave was given to bring in the following bills, viz:

On motion of Mr. Swope—1. A bill to regulate the terms of the Circuit Courts in the Second Judicial District.

On motion of Mr. Rowan—2. A bill to authorize the County Court of Ohio to subscribe stock in the Hartford bridge.

*Ordered*, That Messrs. Goodson, Newell, Coleman, Myers, Latimer, Thomas and Root, prepare and bring in the 1st, and Messrs. Rowan, Taggart and Hopkins the 2d.

Mr. Swope moved the following resolution, viz:

*Resolved*, That the committee for Courts of Justice be instructed to report a bill to increase the salary of the Judge of the Second Judicial District, to fifteen hundred dollars.

Mr. Buford moved to lay said resolution on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wintersmith and Dorton, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Goble, | Mims, |
| Apperson, | Gough, | Morris, |
| Bledsoe, | Graham, | Newton, |
| Bradshaw, | Gray, B. E. | Reeves, |
| Buford, | Gray, N. E. | Ritter, |
| Bullock, | Haggard, | Royston, |
| Buckner, | Hopkins, | Shanklin, |
| Cofer, | Howard, | Sharpe, |
| Coffey, | Hughes, | Slaughter, |
| Combs, | Jasper, | Smith, I. |
| Dohoney, | Marshall, | Sutton, |
| Dorton, | McClung, | Thornburg, |
| Field, | McClure, | Trimble, |
| Finn, | McElroy, | White—42. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Fox, | Purdy, |
| Messrs. Allen, | Gano, | Redd, |
| Anderson, A. | Goodson, | Riffe, |
| Andrews, | Hardy, | Rodes, |
| Bailey, | Harris, | Root, |
| Ballard, | Heady, | Rowan, |
| Basye, | Johnson, | Rowlett, |
| Bodine, | Latimer, | Smith, L. B. |
| Bradley, | Lecompte, | Sprigg, |
| Brooks, | McBrayer, | Swope, |
| Browder, | McFall, | Taggart, |
| Burden, | Meriwether, | Thomas, |
| Butler, | Myers, | Todd, |
| Clay, | Newell, | Trumbo, |
| Coleman, | O'Bannon, | Wade, |
| Daviess, | Pirtle, | Wintersmith, |
| Edmonson, | Pope, | Yates—52. |
| Ellison, | | |

Mr. Butler moved to amend said resolution, by inserting before the word "second," the word "first," which was concurred in.

The question was then taken on the adoption of the resolution, as amended, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Graham and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Johnson, | Purdy, |
| Bailey, | Latimer, | Riffe, |
| Bodine, | Lecompte, | Rodes, |
| Bradley, | McBrayer, | Root, |
| Brooks, | McFall, | Rowan, |
| Butler, | Mims, | Rowlett, |
| Coleman, | Morehead, | Sprigg, |
| Daviess, | Myers, | Swope, |
| Edmonson, | Newell, | Thomas, |
| Fox, | O'Bannon, | Todd, |
| Gano, | Pirtle, | Walker, |
| Goodson, | Pope, | Yates—37. |
| Heady, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | Morris, |
| Messrs. Allen, | Finn, | Newton, |
| Anderson, S. H. | Gough, | Reeves, |
| Andrews, | Graham, | Ritter, |
| Apperson, | Gray, B. E. | Royston, |
| Basye, | Gray, N. E. | Shanklin, |
| Bledsoe, | Haggard, | Sharpe, |
| Browder, | Hardy, | Slaughter, |
| Buford, | Harris, | Smith, I. |
| Bullock, | Hopkins, | Sutton, |
| Clay, | Howard, | Taggart, |
| Cofer, | Hughes, | Thornburg, |
| Coffey, | Jasper, | Trimble, |
| Combs, | Marshall, | Trumbo, |
| Cornish, | McClung, | Wade, |
| Dohoney, | McClure, | White, |
| Dorton, | McElroy, | Wintersmith—52. |
| Ellison, | Meriwether, | |

A message was received from the Senate, by Mr. James, asking leave to withdraw their report, announcing the passage of a bill from this House, entitled, an act for the benefit of the Clerks of this Commonwealth—which was granted, and the bill withdrawn.

Mr. Hardy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the infant heirs of Sam'l Pottinger, dec'd.

An act for the benefit of Thompson N. Stratton, late Sheriff of Lewis county.

An act for the divorce of Maria K. Vance.

An act to provide for running the line between Marion and Washington.

An act for the benefit of the Sheriff of Livingston county.

An act for the relief of the widow and heirs of Robert S. Samuel.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

An act to establish an election precinct at S. R. Pace's store, in Barren county.

An act to enlarge the powers of the Trustees of the town of Brandenburg.

An act in relation to certain precincts in Lawrence and Hardin counties.

An act vesting the Trustees of the towns of Lebanon and Springfield with power to cause certain streets of said towns to be McAdamized or paved.

An act to incorporate the Trustees of the Republican School, in Bracken county.

An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

An act to increase the capital stock in the Falmouth Bridge Company.

An act to increase the pay of Patrollers in the counties of Fayette, Henderson and Breckinridge.

An act to incorporate the towns of New Haven and Hodgenville.

An act to incorporate the Paris Fire, Life, and Marine Insurance Company.

An act for the benefit of the heirs of Harman A. Stidger, dec'd.

An act for the benefit of the representatives of Rodolphus B. Greathouse.

An act to incorporate the town of Port Royal.

An act to increase the powers of the Trustees of the town of Columbia.

An act to establish the town of Brooksville, in Bracken county.

An act to establish the town of Hillsborough, in Fleming county.

An act authorizing the sale of real estate of Hiram Spurlocks, dec'd, and for other purposes.

An act for the benefit of the heirs of John Carey, dec'd.

An act for the benefit of Wm. Vice.

An act for the benefit of the Sheriff of Montgomery county.

An act for the divorce of John M. Emerson, jr.

An act for the divorce of Eliza H. Bush.

An act appointing Trustees of the Lebanon Academy, in Todd county.

An act for the benefit of the Sheriff of Jefferson county.

An act for the benefit of John G. Scroggin, Surveyor of Bourbon county.

An act for the benefit of Thomas Sweeney.

And bills which originated in the Senate, of the following titles, viz:

An act to regulate the mode of appointing Trustees to the Cumberland Hospital.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to regulate the town of Clay village.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

An to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the town of Rumsey.

An act to amend the charter of the town of Paducah.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

*Ordered*, That the amendments proposed by this House to a bill from the Senate, entitled, an act to amend the law of petition and summons and actions on joint contracts, (and to which the Senate had disagreed,) be referred to the committee for Courts of Justice.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act changing the terms of the Fayette Circuit Court.

An act for the benefit of the heirs and representatives of Joseph Walker.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave, made by him.

An act to provide for the appointment of Attorneys for this Commonwealth.

An act to allow an additional Justice of the Peace and Constable to Bath county, and an additional Justice of the Peace to Graves county.

Were taken up, twice read and concurred in.

Bills from the Senate, of the following titles, viz:

1. An act to repeal in part, an act to change the bounds of the Seventh Division of the Kentucky Militia, and for other purposes.

2. An act for the benefit of Noah C. Summers, and others.

3. An act to provide the mode of compensating the owners of mills injured by slackwater navigation.

4. An act to increase the powers of the Trustees of Barboursville.

5. An act for the benefit of the executor of Thomas P. Gibbs.

6. An act authorizing the Clarke County Court to appoint a Treasurer.

7. An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

8. An act for the benefit of Otho Wilson.

9. An act for the relief of the Sheriff of Caldwell county.

10. An act to enforce an uniform valuation of taxable property,

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The 1st, 4th, 6th and 9th were ordered to be read a third time; the 2d

was referred to Messrs. Apperson, Graham, Andrews, Wade and I. Smith; the 3d to the committee on Internal Improvement; the 5th and 8th to the committee for Courts of Justice; the 7th and 10th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 6th and 9th bills having been dispensed with,

*Resolved*, That the same do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act for the benefit of Stephen R. Chinoweth, Jailor of Jefferson county, and Henry Payne, Jailor of Union county—was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
Frankfort, February 16th, 1839.

*Gentlemen of the Senate*
*and House of Representatives:*

I herewith transmit to you a communication received from his Excellency the Governor of the State of Indiana, together with the joint resolutions of the General Assembly of that State, relative to the Southern States; also, a preamble and resolution of the House of Representatives, and a certified statement of the vote of both Houses on the passage of said joint resolution.

JAS. CLARK.

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EXECUTIVE DEPARTMENT,
*Indianapolis, February 6th*, 1839.

SIR:

In obedience to the direction of the General Assembly of of the State of Indiana, I have, herewith, the honor of transmitting to your Excellency, a copy of "a joint resolution relative to the Southern States," together with a preamble and resolution of the House of Representatives, and a certified statement of the vote of both Houses, on the passage of said joint resolution; which, I respectfully request, you will cause to be submitted to the Legislature of Kentucky.

With great respect, I remain your Excellency's ob't serv't,

DAVID WALLACE.

To His Excellency, JAMES CLARK,
*Governor of Kentucky.*

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*A Joint Resolution of the General Assembly of the State of Indiana, relative to the Southern States.*

*Resolved by the General Assembly of the State of Indiana*, That any interference in the domestic institutions of the slaveholding States of the Union, (without their consent,) either by Congress or the State Legislatures,

is contrary to the compact by which those States became members of the Union.

*Resolved*, That any such interference is highly reprehensible, unpatriotic, and injurious to the peace and stability of the union of the States.

*Resolved*, That a copy of this resolution be forwarded to each of our Representatives and Senators in Congress.

*Be it resolved by the General Assembly of the State of Indiana*, That the Governor of this State be, and he is directed to cause to be communicated to the Executives of the several States of the Union, copies of the joint resolution relative to the Southern States, with a request that the same be, by them, communicated to their respective State Legislatures.

TH. J. EVANS,
*Speaker of House of Rep.*

DAVID HILLIS,
*President of the Senate.*

Approved, February 5th, 1839,

DAVID WALLACE.

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LEGISLATIVE DEPARTMENT,
*House of Representatives, Indiana, January* 30, 1839.

"Whereas a communication has been received by this House from his Excellency, David Wallace, Governor of Indiana, enclosing a communication from the Executive of Kentucky, requesting a copy as soon as adopted of certain resolutions relative to the Southern States, for the purpose of of submitting the same to the consideration of the Legislature of that State. Duly appreciating the friendly terms in which the communication referred to, is conceived; and desirous of cultivating the most friendly relations with our sister States, particularly Kentucky, endeared to so many of our citizens by the ties of kindred and nativity; and at the same time desirous on all occasions of affording evidence that Indiana disclaims *all right*, either directly or indirectly, to interfere with the domestic institutions of the several States, as secured to them by the articles of confederation, and believing as she does, that a different policy is calculated to weaken the bonds, if not dissolve the Union of the States. Therefore,

*Resolved, by the House of Representatives*, That the Clerk of this House be directed to furnish his Excellency, the Governor a certified copy of the vote of this House, adopting the joint resolution relative to the Southern States. And that the Governor is hereby requested to transmit the same, together with a copy of this resolution, to his Excellency, the Governor of Kentucky, in compliance with the request contained in the communication from the Executive of that State."

Adopted in the House of Representatives, January 30, 1839.

Attest,

J. T. ELLIOTT, *Clerk.*

HOUSE OF REPRESENTATIVES,
*Indiana, December* 31*st*, 1838.

The joint resolution, entitled, "A joint resolution on the subject of the Southern States," came up, on its passage, and the vote thereon was,

| | |
|---|---|
| Ayes, - - - - - - - - - | 87 |
| Noes, - - - - - - - - - | 1 |

Witness,
J. T, ELLIOTT, C. H. R.

*January* 30, 1839.

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SENATE CHAMBER,
*Indiana, February* 6, 1839,

SIR:

In compliance with your request to furnish the vote of the Senate on the joint resolution relative to the Southern States—

It stood,

| | |
|---|---|
| Ayes, - - - - - - - - - | 40 |
| Noes, - - - - - - - - - | 1 |

Respectfully yours, &c.
CHARLES H. TEST,
*Secretary of Senate.*

To His Excellency, DAVID WALLACE.

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EXECUTIVE DEPARTMENT, FRANKFORT,
*February* 16*th*, 1839.

*Gentlemen of the Senate*
*and House of Reprsentatives:*

I have received from his Excellency, the Governor of North Carolina, a communication inclosing Joint Resolutions relating to the General Government adopted by the General Assembly of that State, requesting that they should be laid before the Legislature of Kentucky; the papers are herewith transmitted.

JAS. CLARK.

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EXECUTIVE DEPARTMENT, N. C.
*Raleigh, January* 14, 1839.

SIR:

I have the honor to transmit, herewith, Resolutions relating to the General Government, and to request that they be laid before the Legislature of the State over which you preside.

I am, most respectfully,
your obedient serv't,
ED'WD B. DUDLEY.

HIS EXCELLENCY
THE GOVERNOR KENTUCKY, *Frankfort.*

## RESOLUTIONS RELATING TO THE GENERAL GOVERNMENT.

WHEREAS we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions to depend—and whereas we consider it our bounden duty, as the Representatives of the freemen of North Carolina, to express, in calm and dispassionate language, our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

1. *Resolved, therefore,* That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States, *expunging* the records of that body, as a palpable violation of the plain letter of the Constitution, and as an act of party servility, calculated to degrade the character of the Senate.

2. *Resolved,* That resolutions ought to be passed by the Senate of the United States, condemnatory of that act, and rescinding the resolutions authorizing it to be done.

3. *Resolved,* That this Generally Assembly do condemn the sub-Treasury system which this Administration is endeavoring to establish, as another item in that series of fatal experiments of this and the past Administration, which are the main source of that derangement in the Currency, and prostration of commercial credit, that have been so severely felt of late in every branch of industry; and which, if suffered to become a law, will, by its tendency to augment Executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the *credit system,* by the exaction of specie in the Government dues, ultimately change the real character of our Government, and place in peril the liberties of our country.

4. *Resolved,* That we consider the Public Lands of the United States as the common property of all the States, and that we therefore condemn the late act of Congress, allowing settlers on the Public Lands the right of preemption at the minimum price, as an act of gross injustice to the old States who originally ceded them, or who contributed to a common fund for their purchase.

5. *Resolved,* That we believe that the proper and equitable disposition of the Public Domain, is to divide the proceeds arising from their sales among the several States of the Union, according to the ratio of their federal population.

6. *Resolved,* That we do most solemnly protest against the wasteful extravagance of the present Administration, and their profligate expenditure of the public money, which not only creates a demand for heavy taxation in order to meet the exoribitant appropriations of the General Government, but which tends to the corruption of public morals and the degradation of the national character.

7. *Resolved,* That the power and patronage of the Executive Department of the Federal Government have increased to an alarming extent, and ought to be diminished.

8. *Resolved,* That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing Resolutions.

9. *Resolved*, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective Legislatures.

Read three times and ratified in General Assembly, this 28th day of December, A. D. 1838.

WILL. A. GRAHAM, S. H. C.
A. JOYNER, S. S.

State of North Carolina,
*Secretary of State's Office.*

I, William Hill, Secretary of State in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of a preamble and resolutions passed by the General Assembly of this State at its late session.

Given under my hand, this 16th day of January, 1839.

WM. HILL.

At 22 minutes after 1 o'clock, P. M., Mr. Buford moved that the House adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McClung and Graham, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Dorton, | Newell, |
| Anderson, S. H. | Edmonson, | Rodes, |
| Andrews, | Fox, | Root, |
| Apperson, | Gano, | Royston, |
| Bailey, | Goodson, | Shanklin, |
| Bledsoe, | Gray, B. E. | Sharpe, |
| Brooks, | Haggard, | Slaughter, |
| Browder, | Heady, | Smith, L. B. |
| Buford, | Jasper, | Swope, |
| Clay, | McFall, | Thomas, |
| Coleman, | Morehead, | Thornburg, |
| Combs, | Morris, | White—38. |
| Daviess, | Myers, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Graham, | Pope, |
| Messrs. Anderson, A. | Gray, N. E. | Purdy, |
| Ballard, | Hardy, | Redd, |
| Basye, | Harris, | Reeves, |
| Bodine, | Hopkins, | Riffe, |
| Bradley, | Howard, | Ritter, |
| Bradshaw, | Hughes, | Rowan, |

| | | |
|---|---|---|
| Bullock, | Johnson, | Redd, |
| Buckner, | Latimer, | Smith, I. |
| Burden, | Lecompte, | Sprigg, |
| Butler, | Marshall, | Sutton, |
| Cofer, | McBrayer, | Taggart, |
| Coffey, | McClung, | Todd, |
| Cornish, | McClure, | Trimble, |
| Dohoney, | McElroy, | Trumbo, |
| Ellison, | Meriwether, | Wade, |
| Field, | Mims, | Walker, |
| Finn, | Newton, | Wintersmith, |
| Goble, | O'Bannon, | Yates—59. |
| Gough, | Pirtle, | |

The House then took up the engrossed bill, entitled, an act to confer banking privileges on the stockholders of the Louisville, Cincinnati and Charleston Railroad Company, on certain terms and conditions.

Mr. Morehead moved to postpone the further consideration of said bill until Monday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McClung and Pope, were as follows, viz :

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Daviess, | Rodes, |
| Messrs. Allen, | Dorton, | Root, |
| Anderson, A. | Edmonson, | Royston, |
| Anderson, S. H. | Fox, | Shanklin, |
| Andrews, | Gano, | Sharpe, |
| Apperson, | Goodson, | Smith, I. |
| Bailey, | Gray, B. E. | Smith, L. B. |
| Basye, | Haggard, | Sprigg, |
| Bledsoe, | Heady, | Swope, |
| Brooks, | Jasper, | Thomas, |
| Browder, | Johnson, | Thornburg, |
| Buford, | McFall, | Trimble, |
| Clay, | Morehead, | Trumbo, |
| Coleman, | Morris, | White, |
| Coffey, | Myers, | Wintersmith, |
| Combs, | Newell, | Yates—49. |
| Cornish, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Hardy, | Pirtle, |
| Bodine, | Harris, | Pope, |
| Bradley, | Hopkins, | Purdy, |
| Bradshaw, | Howard, | Redd, |
| Bullock, | Hughes, | Reeves, |

| | | |
|---|---|---|
| Buckner, | Latimer, | Riffe, |
| Burden, | Lecompte, | Ritter, |
| Butler, | Marshall, | Rowan, |
| Cofer, | McBrayer, | Rowlett, |
| Dohoney, | McClung, | Rudd, |
| Ellison, | McClure, | Slaughter, |
| Field, | McElroy, | Sutton, |
| Finn, | Meriwether, | Taggart, |
| Goble, | Mims, | Todd, |
| Gough, | Newton, | Wade, |
| Graham, | O'Bannon, | Walker—49. |
| Gray, N. E. | | |

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the negative.

The yeas and nays being required thereon, by Messrs. McClung and Hopkins, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Rodes, |
| Messrs. Allen, | Edmonson, | Root, |
| Anderson, S. H. | Fox, | Royston, |
| Andrews, | Gano, | Shanklin, |
| Apperson, | Goodson, | Sharpe, |
| Bailey, | Gray, B. E. | Slaughter, |
| Basye, | Haggard, | Smith, L. B. |
| Bledsoe, | Heady, | Sprigg, |
| Brooks, | Jasper, | Swope, |
| Browder, | Johnson, | Thomas, |
| Buford, | McBrayer, | Thornburg, |
| Clay, | McFall, | Trimble, |
| Coleman, | Morehead, | Trumbo, |
| Coffey, | Morris, | White, |
| Combs, | Myers, | Wintersmith, |
| Cornish, | Newell, | Yates—49. |
| Daviess, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Gray, N. E. | Pirtle, |
| Ballard, | Hardy, | Pope, |
| Bodine, | Harris, | Purdy, |
| Bradley, | Hopkins, | Redd, |
| Bradshaw, | Howard, | Reeves, |
| Bullock, | Hughes, | Riffe, |
| Buckner, | Latimer, | Ritter, |
| Burden, | Lecompte, | Rowan, |

| | | |
|---|---|---|
| Butler, | Marshall, | Rowlett, |
| Cofer, | McClung, | Rudd, |
| Dohoney, | McClure, | Smith, I. |
| Ellison, | McElroy, | Sutton, |
| Field, | Meriwether, | Taggart, |
| Finn, | Mims, | Todd, |
| Goble, | Newton, | Wade, |
| Gough, | O'Bannon, | Walker—49. |
| Graham, | | |

And then the House adjourned.

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## MONDAY, FEBRUARY 18, 1839.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act regulating the issuing of executions from the Court of Appeals.

And had passed bills from this House, of the following titles, viz:

An act for the benefit of Joseph McDowell.

An act to allow an additional Justice of the Peace for the county of Logan, and an additional Constable to Hopkins county.

An act for the benefit of Robert G. Lewis.

An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

An act for the benefit of the Sheriff of Floyd county.

An act to regulate the 9th and 12th Judicial Districts.

An act to authorize the County Court of Woodford to convey to Trustees a portion of the Public Square in the town of Versailles.

An act to authorize the election of Trustees of the town of Port Oliver, in the county of Allen.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Scottsville.

An act allowing an additional Justice of the Peace to the county of Mercer.

An act to continue in force an act for the benefit of the holders of headright certificates.

An act to allow an additional Justice of the Peace in Carroll county.

An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to extend the August term of the Anderson Circuit Court.

An act to change the name of Eloisa Rook to that of Eloisa Marshall.

1. Mr. Bledsoe presented the petition of sundry citizens of Bourbon county, praying that the place of voting in the Ruddle Mills precinct, in said county, may be changed.

2. Mr. Goble presented the petition of sundry citizens of Morgan county, praying that the place of voting in a precinct in said county may be changed; and also, a remonstrance against the same.

3. Mr. Goble presented the petition of Sarah Cook, praying that a tract of land belonging to her deceased husband, Wm. M. Cook, be sold to pay debts.

Which were received, the reading thereof dispensed with, and referred—the 1st to Messrs. Bledsoe, Basye and Sharpe; the 2d to the committee on Privileges and Elections, and the 3d to the committee for Courts of Justice.

On motion of Mr. Buckner—Leave was given to bring in a bill for the benefit of Polly T. Ellison.

*Ordered*, That the committee on Religion prepare and bring in the same.

The House took up the bill for the apprehension and detention of persons who have committed offences in other States, and have fled to this.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill for the benefit of John James Eubank—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

The House then resumed the consideration of the bill from the Senate, entitled, an act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

Mr. I. Smith proposed an amendment to said bill, which was concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of the late and present Sheriffs of Washington county—reported the same with amendments, which were concurred in,

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Meriwether, from the same committee, to whom was referred a bill from the Senate, entitled, an act to authorize the Scott County Court to impose an additional county levy—reported the same without amendment.

Mr. S. H. Anderson moved to amend said bill, by adding thereto an additional section, which was concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be amended to read as follows:

An act to authorize the Scott and Anderson County Courts to impose an additional county levy.

Mr. Meriwether, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of Tabitha Hix.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act for the benefit of John M. Emerson, and his securities,

Reported the same without amendment.

*Ordered*, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Apperson, from the select committee to whom was referred a bill from the Senate, entitled, an act for the benefit of Noah C. Summers, and others—reported the same with an amendment, which was concurred in.

*Ordered*, That the said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the following petitions, viz:

The petition of the heirs of John Harvie, dec'd.

The petition of sundry citizens of Barren county.

The petition of George McDaniel.

The petition of Charles McGuire.

The petition of sundry citizens of Fayette county.

The petition of E. L. McLean,

Reported the same with the following resolution, viz:

*Resolved*, That the said petitions be rejected—which was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill to amend and explain the execution laws of this Commonwealth—reported the same without amendment.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the widow and heirs of Stephen Gilbert, dec'd.—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wintersmith, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved February 23, 1837—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wintersmith, from the same committee, to whom was referred a bill to incorporate the Nick Biddle Iron Company—reported the same, with an amendment as a substitute.

Mr. Taggart moved to lay said bill and substitute on the table until the first day of June next, and it was decided in the affirmative.

Mr. Butler, from the same committee, to whom was referred a bill to amend an act, entitled, an act to amend and reduce into one, the several acts for the inspection of tobacco, approved Feb. 10, 1798—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Apperson, from the same committee, to whom was referred a bill to encourage the manufacture of railroad iron in Kentucky, and for other purposes—reported the same with amendments, which were concurred in.

*Ordered*, That said bill be engrossed and read a third time.

Mr. Apperson, from the same committee, to whom was referred bills of the following titles, viz:

1. A bill to legalize certain proceedings of the Morgan County Court.

2. A bill further to regulate the establishing of ferries and the granting of ferry privileges across the Ohio river, and for other purposes.

3. A bill to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes,

Reported the first and second without, and the third with an amendment, which was concurred in.

The second bill was then amended by Mr. Goodson.

*Ordered*, That said bills be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred bills from the Senate, of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved Feb. 17, 1836.

An act to close up the old road over Muldrow's Hill.

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill from the Senate, entitled, an act to authorize the survey of a road from Hartford to Russellville—reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

And so the said bill was disagreed to.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Rowan—1. A bill to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

By Mr. L. B. Smith—2. A bill respecting the fines and forfeitures in the Police Court of the city of Lexington.

By the committee on Ways and Means—3. A bill for the benefit of the Sheriff of Gallatin county.

By Mr. Hughes—4. A bill for the benefit of the Sheriff of Livingston county.

By the committee for Courts of Justice—5. A bill in relation to the Frankfort and Paris fire companies.

By same—6. A bill for the benefit of the mechanics of Brandenburg.

By same—7. A bill to incorporate the Covington Social Library.

By same—8. A bill for the benefit of B. H. Flowers, of Russell county, and Wm. Gates, of Monroe county.

By same—9. A bill allowing additional Justices of the Peace to several counties, and for other purposes.

By same—10. A bill for the benefit of the heirs and representatives of Wm. Meredith, dec'd.

By same 11. A bill to incorporate the Bowlinggreen Life, Fire, and Marine Insurance Company.

By same—12. A bill to incorporate the Hopkinsville Coal and Iron Company.

By same—13. A bill for the benefit of M. J. W. Ambrose, and wife.

By same—14. A bill to change the time of holding the Muhlenburg Circuit Court.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills (except the 12th) having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Field, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company—reported the same with an amendment.

And then the House adjourned.

## TUESDAY, FEBRUARY 19, 1839.

A message was received from the Senate, announcing that they had concurred in the amendment proposed by this House to a bill from the Senate, entitled,

An act to alter the mode of summoning Petit Jurors, and for other purposes—with an amendment to the amendment of this House.

And the passage of bills from this House, of the following titles, viz:

An act to incorporate the Trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

An act to change the names of Elizabeth Harris's children.

An act for the divorce of Sarah McGinnis.

An act authorizing the sale of the land and slaves descended to Mary McPheters.

An act for the benefit of Annie H. Blair, and the widow and heirs of Wm. H. Warfield.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act concerning the estate of Daniel Riley, dec'd.

An act for the divorce of Rhoda Lytle.

An act for the benefit of the Clerks of this Commonwealth.

An act for the benefit of Sandy H. Aldridge.

And had passed bills from the Senate, of the following titles, viz:

An act for the benefit of the Clerk of the City Court of Louisville.

An act to amend the several laws in force for the town of Lebanon.

Mr. Clay, from the committee on Education, to whom was referred a bill to amend the act to establish a system of common schools in the State of Kentucky—reported the same, with an amendment as a substitute.

Mr. Wade moved to lay said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Thornburg and Edmonson, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Marshall, | Riffe, |
| Bradley, | McClung, | Smith, L. B. |
| Coffey, | McClure, | Sutton, |
| Edmonson, | McElroy, | Thornburg, |
| Gray, B. E. | Meriwether, | Wade—17. |
| Haggard, | Pirtle, | |

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Allen,
Andrews,
Apperson,
Bailey,
Ballard,
Bledsoe,
Bodine,
Brooks,
Browder,
Buford,
Bullock,
Buckner,
Burden,
Clay,
Coleman,
Cofer,
Combs,
Cornish,
Daviess,
Dohoney,
Dorton,
Ellison,
Field,
Finn,
Gano,
Goble,
Goodson,
Gough,
Graham,
Gray, N. E.
Hardy,
Heady,
Hopkins,
Howard,
Hughes,
Jasper,
Johnson,
Latimer,
Lecompte,
McBrayer,
Mims,
Morehead,
Morris,
Myers,
Newell,
O'Bannon,
Pope,
Purdy,
Redd,
Ritter,
Rodes,
Root,
Rowan,
Rowlett,
Royston,
Shanklin,
Sharpe,
Slaughter,
Smith, I.
Sprigg,
Taggart,
Thomas,
Todd,
Trimble,
Trumbo,
Walker,
White,
Wintersmith,
Yates—70.

After some discussion had thereon, the hour of 12 o'clock arrived, and the House proceeded to the orders of the day.

Mr. Hardy and Mr. Shanklin, severally, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to establish the Southern Bank of Kentucky.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

An act for the benefit of Enoch Yantis.

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act incorporating the town of Wyoming, in the county of Bath.

An act for the benefit of Dawson Elliott, of Madison county.

An act for the divorce of Rebecca Hutchinson.

An act to establish an election precinct in Christian county.

An act for the benefit of the Clerks of this Commonwealth.

An act to abolish the election precinct at Peter Miller's, on Knob creek, in Bullitt county.

An act for the benefit of Fountain Cunningham.

An act to change the place of voting in the Scaffle Cane Precinct, in Rockcastle county.

An act requiring a special County Court to be held in Shelby county, for the purpose of swearing in Deputy Sheriffs.

An act for the benefit of John Steele.

An act for the benefit of James W. Finnie.

An act for the benefit of George W. Williams.

An act concerning the towns of Warsaw and Monticello.

An act to reduce into one, the several attachment laws, and for settling the proceedings on attachments against absconding debtors.

An act to incorporate the Newton Society of Bacon College.

An act for the benefit of William Gilpin and Frances Gilpin.

An act to incorporate the Hickman Turnpike Company.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

An act for the benefit of John Myers.

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

Also, enrolled bills which originated in the Senate, of the following tities, viz:

An act for the benefit of Tabitha Hix.

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved Feb. 17, 1836.

An act to close up the old road over Muldrow's Hill.

An act for the benefit of the widow and heirs of Stephen Gilbert, dec'd.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act for the benefit of John M. Emerson, and his securities.

An act for the benefit of the Sheriff of Caldwell county.

An act to repeal in part, an act to change the bounds of the 7th Division of the Kentucky Militia, and for other purposes.

An act authorizing the Clarke County Court to appoint a Treasurer.

An act to increase the powers of the Trustees of the town of Barboursville.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Messrs. Hardy and Shanklin inform the Senate thereof.

Leave was given to bring in the following bills, viz:

On motion of Mr. White—1. A bill for the benefit of Wm. Smith.

On motion of Mr. Browder—2. A bill to amend an act, entitled, an act to incorporate the Adairsville and Muddy river Transporting Company.

*Ordered*, That the committee for Courts of Justice prepare and bring in the 1st, and the committee on Internal Improvement the 2d.

Mr. Trimble, from the committee on Banks, to whom was referred the petition of sundry citizens west of Tennessee river, praying for banking privileges—asked leave to be discharged from the further consideration thereof, and that the petition be withdrawn; which was granted, and the same accordingly withdrawn.

Mr. Morehead, from the committee on the Sinking Fund, reported a bill to amend an act, entitled, an act to increase the resources of the Sinking Fund.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and S. H. Anderson, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | Myers, |
| Anderson, S. H. | Fox, | Newell, |
| Andrews, | Gano, | Newton, |
| Apperson, | Goble, | O'Bannon, |
| Bailey, | Goodson, | Pirtle, |
| Ballard, | Gough, | Pope, |
| Basye, | Graham, | Purdy, |
| Bledsoe, | Gray, B. E. | Reeves, |
| Bodine, | Haggard, | Rodes, |
| Brooks, | Hardy, | Root, |
| Browder, | Heady, | Rowlett, |
| Buford, | Hopkins, | Royston, |
| Bullock, | Howard, | Shanklin, |
| Buckner, | Jasper, | Sharpe, |
| Burden, | Johnson, | Smith, L. B. |
| Butler, | Latimer, | Taggart, |
| Clay, | Lecompte, | Thomas, |
| Coleman, | Marshall, | Thornburg, |
| Cofer, | McBrayer, | Todd, |
| Combs, | McClung, | Trimble, |
| Cornish, | McElroy, | Trumbo, |
| Daviess, | McFall, | Walker, |
| Dorton, | Meriwether, | White, |
| Edmonson, | Morehead, | Wintersmith, |
| Ellison, | Morris, | Yates—76. |
| Field, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | McClure, | Smith, I. |
| Coffey, | Mims, | Sprigg, |
| Dohoney, | Riffe, | Sutton, |
| Gray, N. E. | Rowan, | Wade—13. |
| Hughes, | | |

*Resolved*, That the title of the said bill be as aforesaid.

Mr. Finn, from the select committee who were appointed to prepare and bring in the same—reported a bill to reduce the salaries of the Circuit Court Judges, and to equalize the same.

Which was read the first time.

Mr. N. E. Gray moved to lay said bill on the table for the present, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Finn and Coffey, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Daviess, | Morris, |
| Anderson, S. H. | Dorton, | Myers, |
| Andrews, | Field, | Newton, |
| Apperson, | Gano, | O'Bannon, |
| Ballard, | Goble, | Pope, |
| Basye, | Gough, | Reeves, |
| Bledsoe, | Graham, | Royston, |
| Bodine, | Gray, N. E. | Shanklin, |
| Brooks, | Hopkins, | Sharpe, |
| Buford, | Latimer, | Smith, L. B. |
| Bullock, | Lecompte, | Thornburg, |
| Buckner, | Marshall, | Trimble, |
| Butler, | McBrayer, | Trumbo, |
| Clay, | Mims, | Walker, |
| Cornish, | Morehead, | Wintersmith—45. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Bradley, | Haggard, | Purdy, |
| Burden, | Hardy, | Riffe, |
| Coleman, | Heady, | Root, |
| Cofer, | Howard, | Rowan, |
| Coffey, | Hughes, | Rowlett, |
| Combs, | Jasper, | Smith, I. |
| Dohoney, | Johnson, | Sutton, |
| Edmonson, | McClure, | Taggart, |
| Ellison, | McElroy, | Thomas, |
| Finn, | McFall, | Todd, |
| Fox, | Newell, | White, |
| Goodson, | Pirtle, | Yates—37. |
| Gray, B. E. | | |

Mr. S. H. Anderson, from the committee on Internal Improvement, who were appointed to prepare and bring in the same—reported a bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Haggard and Pope, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Morehead, |
| Messrs. Allen, | Field, | Newton, |
| Anderson, S. H. | Finn, | Pope, |
| Ballard, | Goble, | Purdy, |
| Basye, | Gough, | Reeves, |
| Bledsoe, | Graham, | Rowan, |
| Bodine, | Gray, B. E. | Rudd, |
| Bradley, | Gray, N. E. | Smith, I. |
| Bradshaw, | Heady, | Sprigg, |
| Brooks, | Hopkins, | Swope, |
| Browder, | Johnson, | Todd, |
| Butler, | McBrayer, | Trimble, |
| Clay, | McClung, | Trumbo, |
| Cofer, | Meriwether, | Wintersmith, |
| Cornish, | Mims, | Yates—46. |
| Edmonson, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Hardy, | Redd, |
| Apperson, | Howard, | Riffe, |
| Bailey, | Hughes, | Root, |
| Buford, | Jasper, | Rowlett, |
| Buckner, | Latimer, | Royston, |
| Burden, | Lecompte, | Shanklin, |
| Coleman, | Marshall, | Sharpe, |
| Coffey, | McClure, | Smith, L. B. |
| Combs, | McElroy, | Sutton, |
| Daviess, | McFall, | Taggart, |
| Dorton, | Morris, | Thornburg, |
| Fox, | Myers, | Wade, |
| Gano, | Newell, | Walker, |
| Goodson, | O'Bannon, | White—44. |
| Haggard, | Pirtle, | |

*Resolved*, That the title of the said bill be as aforesaid.

A bill from the Senate, entitled, an act for the benefit of the Clerk of the City Court of Louisville,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

The question was then taken on the passage thereof, and decided in the negative; and so the said bill was disagreed to.

The amendments proposed by the Senate to the amendments of this House to a bill from the Senate, entitled, an act to amend an act to alter the mode of summoning Petit Jurors—were taken up, twice read and disagreed to.

*Ordered*, That a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, in relation to the disagreement between the two Houses on said amendment.

Whereupon Messrs. S. H. Anderson, McClung and Harris were appointed said committee.

*Ordered*, That Mr. S. H. Anderson inform the Senate thereof.

A bill from the Senate, entitled, an act to amend the several laws in force for the town of Lebanon,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Military Affairs—A bill for the benefit of Rector Gore, and others.

By the committee on Religion—A bill for the divorce of Richard Lucas.

By same—A bill for the divorce of Polly T. Ellison.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Field,

*Ordered*, That the engrossed bill, entitled, an act to incorporate the Goulding Patent Bagging Manufacturing Company, be laid on the table.

An engrossed bill, entitled, an act providing for the purchase of certain books for the use of this State—was read the third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

The House then took up an engrossed bill, entitled, an act to incorporate the Covington Factory Company.

And the question being taken on the passage thereof, it was decided in the negative: and so the said bill was rejected.

A message was received from the Senate, announcing their concurrence in the resolution from this House, fixing on a day for the final adjournment of the Legislature—with an amendment.

An engrossed bill, entitled, an act to amend an act, entitled, an act to provide a Sinking Fund, approved Feb. 29, 1836—was read a third time.

And the question being taken on the passage of said bill, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Bullock, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Coleman, | Lecompte, | Rowan, |
| Coffey, | O'Bannon, | Sprigg, |
| Dohoney, | Riffe, | Wade—10. |
| Finn, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gano, | Morris, |
| Messrs. Allen, | Goble, | Myers, |
| Anderson, S. H. | Goodson, | Newell, |
| Andrews, | Gough, | Newton, |
| Apperson, | Graham, | Pope, |
| Bailey, | Gray, B. E. | Purdy, |
| Ballard, | Gray, N. E. | Redd, |
| Bledsoe, | Haggard, | Reeves, |
| Bodine, | Hardy, | Rodes, |
| Bradley, | Harris, | Root, |
| Bradshaw, | Heady, | Royston, |
| Brooks, | Hopkins, | Shanklin, |
| Browder, | Howard, | Sharpe, |
| Buford, | Hughes, | Smith, I. |
| Bullock, | Jasper, | Smith, L. B. |
| Burden, | Johnson, | Sutton, |
| Butler, | Latimer, | Swope, |
| Clay, | Marshall, | Taggart, |
| Cofer, | McBrayer, | Todd, |
| Combs, | McClung, | Trimble, |
| Cornish, | McClure, | Trumbo, |
| Daviess, | McElroy, | Walker, |
| Dorton, | Meriwether, | White, |
| Ellison, | Mims, | Yates—74. |
| Field, | Morehead, | |

And then the House adjourned.

## WEDNESDAY, FEBRUARY 20, 1839.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved Feb. 23d, 1837.

An act to incorporate the Transylvania Institute, and for other purposes.

An act to authorize the Scott and Anderson County Courts to impose an additional county levy.

An act for the benefit of Noah C. Summers, and others.

An act for the benefit of the late and present Sheriffs of Washington county.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

And the passage of bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace.

An act for the benefit of Thomas Croper, James Southard, and William Sugg.

An act to amend an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers a preference of location to lands improved by them.

An act to allow an additional Constable to the county of Monroe.

An act for the benefit of the Sheriff of Livingston county.

An act for the benefit of the infant heirs of Edward Hord, dec'd.

And had passed bills from the Senate of the following titles, viz:

An act to authorize the Southwestern Railroad Bank to establish a branch in this State, and for other purposes.

An act for the relief of the securities of Wesley M. Garnett, dec'd, and Henderson Murphy.

An act for the benefit of John Boggess, and his securities.

An act to authorize the running and re-marking the line between Green and Adair counties.

An act further defining the offence of burglary, by a slave.

An act to amend an act, entitled, an act offering a further reward for the discovery of the cause of the disease called Milk Sickness.

Mr. Butler presented the petition of Nancy Kleissendorff, (with other documents,) praying to be divorced from her husband.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

The bill to amend the charter of the Lexington and Covington Turnpike Road Company—was read a second time.

*Ordered*, That said bill be referred to the committee on Internal Improvement.

Mr. Hardy moved a re-consideration of the vote disagreeing to a bill from the Senate, entitled, an act for the benefit of the Clerk of the City Court of Louisville—and it was decided in the affirmative.

*Ordered*, That said bill be referred to the committee on Ways and Means.

Mr. Hardy, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Scottsville.

An act to authorize the election of Trustees of the town of Port Oliver, in the county of Allen.

An act for the benefit of Joseph McDowell.

An act for the benefit of Robert G. Lewis.

An act to allow an additional Justice of the Peace for the county of Logan, and an additional Constable to Hopkins county.

An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

An act for the benefit of the Sheriff of Floyd county.

An act to regulate the 9th and 12th Judicial Districts.

An act to authorize the County Court of Woodford to convey to Trustees a portion of the Public Square in the town of Versailles.

An act allowing an additional Justice of the Peace to the county of Mercer.

An act to continue in force an act for the benefit of the holders of headright certificates.

An act to allow an additional Justice of the Peace in Carroll county.

An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to extend the August term of the Anderson Circuit Court.

An act to change the name of Eloisa Rook to that of Eloisa Marshall.

An act changing the terms of the Fayette Circuit Court.

An act for the benefit of the heirs and representatives of Joseph Walker, deceased.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave, made by him.

An act to provide for the appointment of Attorneys for this Commonwealth.

An act to allow additional Justices of the Peace and Constables to several counties.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

A message was received from the Senate, announcing their concurrence in the first, second, and fourth amendments, and their disagreement to the third and fifth amendments proposed by this House to a bill from the Senate, entitled, an act establishing the office of Comptroller of the Treasury, and for other purposes.

And the passage of bills from this House, of the following titles, viz:

An act to change the time of holding the Muhlenburg Circuit Court.

An act to add a part of Pulaski to Russell county.

With amendments to each.

And the passage of bills from the Senate, of the following titles, viz:

An act for the benefit of Wm. N. Taul's representatives.

An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

An act to incorporate the Town of Locust Port, in Union county.

An act for the appropriation of the fines in the city of Lexington, and for other purposes.

The House again resumed the consideration of the bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company.

The amendments proposed by the committee on Internal Improvement were concurred in. The said bill was further amended.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Mr. Shanklin, from the committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act for the benefit of Noah C. Summers, and others.

An act to authorize the Scott and Anderson County Courts to impose an additional county levy.

An act to incorporate the Transylvania Institute, and for other purposes.

An act to regulate the administration and settlement of estates.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved Feb. 23, 1837.

An act for the benefit of the late and present Sheriffs of Washington county.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Shanklin inform the Senate thereof.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of the infant heirs of Edward Hord, dec'd.

An act to add a part of Pulaski to Russell county.

An act to change the time of holding the Muhlenburg Circuit Court.

Were taken up, twice read and concurred in.

The House then took up the disagreement of the Senate to the 3d and 5th amendments proposed by this House to a bill from the Senate, entitled, an act to establish the office of Second Auditor, and for other purposes.

Mr. Edmonson moved to lay said bill and amendments on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Buford and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Harris, | Pope, |
| Bradley, | Heady, | Purdy, |
| Burden, | Hopkins, | Riffe, |
| Coleman, | Hughes, | Root, |
| Coffey, | Johnson, | Rowan, |
| Cornish, | Lecompte, | Rowlett, |
| Daviess, | McBrayer, | Sutton, |
| Dohoney, | McClure, | Swope, |
| Edmonson, | McElroy, | Taggart, |
| Finn, | McFall, | Thomas, |
| Goble, | Newell, | Wade—35. |
| Goodson, | Pirtle, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | O'Bannon, |
| Messrs. Allen, | Ellison, | Redd, |
| Anderson, S. H. | Field, | Reeves, |
| Andrews, | Fox, | Ritter, |
| Apperson, | Gano, | Rodes, |
| Bailey, | Gough, | Royston, |
| Ballard, | Graham, | Shanklin, |
| Basye, | Gray, B. E. | Sharpe, |
| Bledsoe, | Gray, N. E. | Slaughter, |
| Bodine, | Haggard, | Smith, I. |
| Bradshaw, | Hardy, | Smith, L. B. |
| Brooks, | Howard, | Sprigg, |
| Browder, | Latimer, | Thornburg, |
| Buford, | Marshall, | Todd, |
| Bullock, | McClung, | Trimble, |

| | | |
|---|---|---|
| Buckner, | Meriwether, | Trumbo, |
| Butler, | Mims, | Walker, |
| Clay, | Morris, | White, |
| Cofer, | Myers, | Wintersmith, |
| Combs, | Newton, | Yates—60. |

The question was then taken on receding from the third amendment proposed by this House, (which added to the duties of the First Auditor, the settlements of the Jury Fund, and the settlement of the Clerks,) and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Harris, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | Reeves, |
| Messrs. Allen, | Gano, | Ritter, |
| Anderson, S. H. | Gough, | Rodes, |
| Andrews, | Gray, B. E. | Shanklin, |
| Apperson, | Gray, N. E. | Sharpe, |
| Ballard, | Haggard, | Slaughter, |
| Basye, | Jasper, | Smith, I. |
| Bledsoe, | Latimer, | Smith, L. B. |
| Bradshaw, | Marshall, | Thornburg, |
| Brooks, | McClung, | Todd, |
| Browder, | Meriwether, | Trimble, |
| Buford, | Mims, | Trumbo, |
| Bullock, | Morehead, | Walker, |
| Clay, | Morris, | White, |
| Cofer, | Myers, | Wintersmith, |
| Combs, | Newton, | Yates—49. |
| Dorton, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goble, | O'Bannon, |
| Bailey, | Goodson, | Pirtle, |
| Bodine, | Graham, | Pope, |
| Bradley, | Hardy, | Purdy, |
| Buckner, | Harris, | Redd, |
| Burden, | Heady, | Riffe, |
| Butler, | Hopkins, | Root, |
| Coleman, | Howard, | Rowan, |
| Coffey, | Hughes, | Rowlett, |
| Cornish, | Johnson, | Royston, |
| Daviess, | Lecompte, | Sprigg, |
| Dohoney, | McBrayer, | Sutton, |
| Edmonson, | McClure, | Swope, |
| Ellison, | McElroy, | Taggart, |
| Finn, | McFall, | Thomas, |
| Fox, | Newell, | Wade—48. |

The question was then taken on receding from the fifth amendment proposed by this House, (being the same heretofore proposed by Mr. Butler, and adopted—see Journal, page ——,) and decided in the negative.

The yeas and nays being required thereon, by Messrs. Edmonson and Sprigg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Reeves, |
| Messrs. Allen, | Field, | Ritter, |
| Anderson, S. H. | Gano, | Rodes, |
| Andrews, | Gough, | Shanklin, |
| Apperson, | Gray, B. E. | Sharpe, |
| Ballard, | Gray, N. E. | Slaughter, |
| Basye, | Haggard, | Smith, I. |
| Bledsoe, | Jasper, | Smith, L. B. |
| Bradshaw, | Latimer, | Thornburg, |
| Brooks, | Marshall, | Todd, |
| Browder, | McClung, | Trimble, |
| Buford, | Meriwether, | Trumbo, |
| Bullock, | Morehead, | Walker, |
| Clay, | Morris, | White, |
| Cofer, | Myers, | Wintersmith, |
| Combs, | Newton, | Yates—48. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Goodson, | Pirtle, |
| Bailey, | Graham, | Pope, |
| Bodine, | Hardy, | Purdy, |
| Bradley, | Harris, | Redd, |
| Buckner, | Heady, | Riffe, |
| Burden, | Hopkins, | Root, |
| Butler, | Howard, | Rowan, |
| Coleman, | Hughes, | Rowlett, |
| Coffey, | Johnson, | Royston, |
| Cornish, | Lecompte, | Rudd, |
| Daviess, | McBrayer, | Sprigg, |
| Dohoney, | McClure, | Sutton, |
| Edmonson, | McElroy, | Swope, |
| Ellison, | McFall, | Taggart, |
| Finn, | Mims, | Thomas, |
| Fox, | Newell, | Wade—50. |
| Goble, | O'Bannon, | |

Mr. S. H. Anderson moved that a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, in relation to the disagreement between the two Houses on said fifth amendment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Andrews and Fox, were as follows, viz :

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Fox, | O'Bannon, |
| Anderson, S. H. | Gano, | Redd, |
| Andrews, | Gough, | Reeves, |
| Ballard, | Graham, | Ritter, |
| Basye, | Gray, B. E. | Rodes, |
| Bledsoe, | Gray, N. E. | Royston, |
| Bodine, | Haggard, | Shanklin, |
| Bradshaw, | Hardy, | Sharpe, |
| Brooks, | Jasper, | Slaughter, |
| Browder, | Latimer, | Smith, I. |
| Buford, | Marshall, | Smith, L. B. |
| Bullock, | McClung, | Swope, |
| Buckner, | Meriwether, | Trimble, |
| Butler, | Mims, | Trumbo, |
| Clay, | Morehead, | Walker, |
| Cofer, | Morris, | White, |
| Dorton, | Myers, | Wintersmith, |
| Field, | Newton, | Yates—54. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goble, | Pope, |
| Messrs. Anderson, A. | Goodson, | Purdy, |
| Apperson, | Harris, | Riffe, |
| Bailey, | Heady, | Root, |
| Bradley, | Hopkins, | Rowan, |
| Burden, | Howard, | Rowlett, |
| Coleman, | Hughes, | Rudd, |
| Coffey, | Johnson, | Sprigg, |
| Combs, | Lecompte, | Sutton, |
| Cornish, | McBrayer, | Taggart, |
| Daviess, | McClure, | Thomas, |
| Dohoney, | McElroy, | Thornburg, |
| Edmonson, | McFall, | Todd, |
| Ellison, | Newell, | Wade—44. |
| Finn, | Pirtle, | |

Whereupon, Messrs. Marshall, Buckner and Butler were appointed the committee on the part of this House.

The House then took up for consideration, the amendment proposed by the Senate to the resolution from this House, fixing a day for the adjournment of the Legislature.

The amendment of the Senate was to strike out the "18th," and insert in lieu thereof, the "23d."

Mr. S. H. Anderson moved to pass over said resolution and amendment for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardy and Edmonson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Anderson, A.
Anderson, S. H.
Andrews,
Apperson,
Bailey,
Basye,
Bledsoe,
Brooks,
Buford,
Clay,
Coleman,
Combs,
Daviess,
Dorton,
Edmonson,
Fox,
Gano,
Goodson,
Gray, B. E.
Haggard,
Heady,
Jasper,
Johnson,
McFall,
Morehead,
Morris,
Myers,
Newell,
Purdy,
Rodes,
Root,
Royston,
Shanklin,
Sharpe,
Slaughter,
Smith, L. B.
Sprigg,
Swope,
Thomas,
Thornburg,
Trimble,
Trumbo,
White,
Yates—46.

Those who voted in the negative, were—

Messrs. Ballard,
Bodine,
Bradley,
Bradshaw,
Browder,
Bullock,
Buckner,
Burden,
Butler,
Cofer,
Coffey,
Cornish,
Dohoney,
Ellison,
Field,
Finn,
Goble,
Gough,
Graham,
Gray, N. E.
Hardy,
Harris,
Hopkins,
Howard,
Hughes,
Latimer,
Lecompte,
Marshall,
McBrayer,
McClung,
McClure,
McElroy,
Meriwether,
Mims,
Newton,
O'Bannon,
Pirtle,
Pope,
Redd,
Reeves,
Riffe,
Ritter,
Rowan,
Rowlett,
Rudd,
Smith, I.
Sutton,
Taggart,
Todd,
Wade,
Walker,
Wintersmith—52.

Mr. Meriwether then moved the previous question, and it was decided in the affirmative.

The main question was then put, Will the House concur in the amendment proposed by the Senate? and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowlett and Pirtle, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Gough, | Pirtle, |
| Ballard, | Graham, | Pope, |
| Bodine, | Gray, N. E. | Purdy, |
| Bradley, | Hardy, | Redd, |
| Bradshaw, | Harris, | Reeves, |
| Browder, | Hopkins, | Riffe, |
| Bullock, | Howard, | Ritter, |
| Buckner, | Hughes, | Rowan, |
| Burden, | Latimer, | Rowlett, |
| Butler, | Lecompte, | Rudd, |
| Cofer, | Marshall, | Smith, I. |
| Coffey, | McBrayer, | Sutton, |
| Cornish, | McClung, | Swope, |
| Dohoney, | McClure, | Taggart, |
| Edmonson, | McElroy, | Todd, |
| Ellison, | Meriwether, | Wade, |
| Field, | Mims, | Walker, |
| Finn, | Newton, | Wintersmith—56. |
| Goble, | O'Bannon, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Rodes, |
| Messrs. Allen, | Fox, | Root, |
| Anderson, S. H. | Gano, | Royston, |
| Andrews, | Goodson, | Shanklin, |
| Apperson, | Gray, B. E. | Sharpe, |
| Bailey, | Haggard, | Slaughter, |
| Basye, | Heady, | Smith, L. B. |
| Bledsoe, | Jasper, | Sprigg, |
| Brooks, | Johnson, | Thomas, |
| Buford, | McFall, | Thornburg, |
| Clay, | Morehead, | Trimble, |
| Coleman, | Morris, | Trumbo, |
| Combs, | Myers, | White, |
| Daviess, | Newell, | Yates—42. |

Mr. Trimble read and laid on the table the following resolution, viz:

Whereas, the soil of Kentucky is known to be favorable to the growing of the mulberry tree, and the cultivation of the sugar beet, and the climate peculiarly suitable to the raising of the silk worm and the production of silk; and whereas, the introduction of those branches of industry into this Commonwealth would be highly beneficial to all classes of society, and especially so to those of small fortunes, because of the small capitals and small quantities of land required to engage in the business: Therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Governor be requested to procure such books, pamphlets, and printed documents, on the foregoing subjects, for the use of the Legislature, as will aid its judgment in the adoption of such measures as may induce the people of Kentucky to engage in those branches of domestic industry.

*Resolved*, That the Governor be requested to open a correspondence with the Governors of other States, to ascertain what legislative encouragement has been given to the foregoing branches of industry, and the effect of such encouragement; and to inquire whether capital and labor thus employed has been profitable or otherwise; and to procure any other information on those subjects, which he may deem useful to the Legislature or people of Kentucky.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with, the said resolution was then adopted.

Mr. Gano, from the committee on Internal Improvement, to whom was referred a bill to amend the charter of the Lexington and Covington Turnpike Road Company—reported the same without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Buckner—Leave was given to bring in a bill to change an act approved Feb. 13, 1837, entitled, an act for the benefit of the heirs of James Allen, dec'd.

*Ordered*, That Messrs. Buckner, Hopkins and Apperson prepare and bring in the same.

Mr. Clay, from the committee on Education, to whom was referred a bill to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund in Wayne county—reported the same with a substitute, which was concurred in.

*Ordered*, That said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act authorizing the Southwestern Rail Road Bank to establish a branch in this State—was read the first time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Railroad Company incorporated by the States of North Carolina, South Carolina and Tennessee, by the name of the Cincinnati and Charleston Railroad Company, and in the State of Kentucky by the name of the Louisville, Cincinnati and Charleston Railroad Company, shall be called and known as a body corporate in all the States aforesaid, by the name of the Louisville, Cincinnati and Charleston Railroad Company; and that the corporators in said railroad company, shall form a separate body corporate, in deed and in law, for banking purposes in each of the States of North Carolina, South Carolina, Tennessee and Kentucky, as shall assent thereto, and be called and known by the name of the South Western Railroad Bank, provided that the assent of not less than three of the aforesaid States shall be given thereto before the Bank shall have corporate existence.

SEC. 2. The said Banking Company shall be formed in the following manner, and be vested with the following powers, and be subject to the following restrictions; that is to say: Each of the present stockholders, and every person who may hereafter become a stockholder in the Railroad Company, until the capital shall be increased to twelve millions of dollars; or in the said Bank, under the laws of either of the States of Kentucky, Tennessee, North Carolina or South Carolina, shall be entitled, for every share in the Railroad Company, of one hundred dollars, to take or hold one share in the Bank, of fifty dollars; so that the capital of said Bank may, in the first instance, amount to the sum of six millions of dollars. The directors of the said Railroad Company shall cause books to be opened to the community at large, in the State of Kentucky, at all places where books were opened for the first subscription of stock in said Railroad Company, and such other places as the said directors may designate, by such commissioners as the directors may appoint, from ten o'clock in the morning to two o'clock in the afternoon of each day, for a period not less than thirty days, except Sundays, for the purpose of increasing the stock of said Railroad Company to twelve millions of dollars, and of receiving subscriptions to the said Bank; and all persons who shall, at the time of subscribing, pay in specie, or the notes of specie paying banks, all such instalments as shall theretofore have been called in by the Railroad Company, together with the first instalment of twelve dollars and fifty cents for the Bank, shall, together with such stockholders as have or may become corporators under the laws of either of the States aforesaid, be a body corporate in the State of Kentucky, by the name of the Southwestern Railroad Bank. If, on closing the books, the subscriptions shall have increased the Bank capital beyond the amouut prescribed by the charters of either of the said States, the subscriptions hereby directed shall be reduced ratably and in proportion to their respective amounts. And in case the subscriptions shall not reach the sum allowed by the said charters, books may be opened for subscription at any other time and place, by the directors of the Bank, provided that new stockholders shall only be admitted, by paying the same amounts, and incurring, in every respect, the same liabilities as at the time of their admission, have been paid and incurred, both to the Bank and Railroad Company, by the original stockholders. And in all cases, the amounts subscribed and paid for the Bank, shall be paid to the Bank corporation; and the amounts subscribed and paid for the Railroad, shall be paid to the Railroad Company.

SEC. 3. The president and directors already elected by the stockholders in the Bank, shall serve for one year from their election; and annually thereafter, on such day as shall be fixed by the Bank corporation, there shall be an election of thirteen directors of the Bank; and those who are elected by plurality of votes, shall be capable of serving as such only, for one year, but shall be re-eligible. In case of death, resignation, or removal from office by the stockholders, of a director, his place may be filled by the other directors for the remainder of the year. In all meetings of stockholders of the Bank, votes may be given in person or by proxy, on the same terms and according to the same scale as is prescribed for voting in person or by proxy in meetings of the railroad company, except that no person shall act as proxy in the Bank, unless he be a stockholder therein.

SEC. 4. But should the day of annual election pass without any election of directors, the Bank shall not be thereby dissolved, but it shall be lawful on any other day, to hold and make such election in such manner as may be prescribed by a by-law of the bank corporation.

SEC. 5. The directors of the Bank shall be resident citizens of the State, and stockholders of the Bank, and, at the first meeting after their election, they shall appoint one of their number to be President of the said Bank; they shall appoint all the officers of the Bank, and the President, Directors and Cashiers of its Branches, all of whom they may remove at pleasure; and may also, at pleasure, remove all the officers of the Branches which shall have been appointed by the president and directors of such Branches: Provided, however, that the president and directors so appointed, of the branch of the said Railroad Bank in this State, shall be stockholders in said Bank, and resident citizens of this State. No director, or partner of a director, of another Bank shall be a director of this Bank, or in any of its Branches; nor shall any person act as a director who may be under protest in said Bank as a drawer or endorser of any note, or bill of exchange, held by said Bank, either for discount or collection, unless he shall prove to the satisfaction of a majority of the directors, that he has just and sufficient cause for refusing payment on the demand on which said protest may be found.

SEC. 6. The President and Directors of the Bank may call for a second instalment of twelve dollars and fifty cents upon the capital of the Bank, as soon as they may deem proper, upon giving one month's notice thereof, by publication, in at least two newspapers in each of the states assenting thereto; the subsequent instalments, they may call for in such sums as they may deem necessary, provided, that similar notice be given, and the payments at least sixty days apart, and provided also, that no calls for any instalment, subsequent to the two first, shall be made until an amount equal to such call shall have been previously called in by the railroad company, and shall have actually been expended in constructing the railroad, or shall be necessary to meet contracts actually made on account of the same. When the instalments paid in for the capital of the said Bank shall amount to six millions of dollars, the capital shall not be further increased, until six millions of dollars shall have been actually called in, and expended on the railroad; after which, the capital of the Bank shall be increased only by calling for instalments, equal in amount to those which may be called for by the railroad company, until the said capital shall reach the limit of twelve millions of dollars; provided, the capital of the Bank shall not exceed six millions, until the railroad shall have been extended to the State of Tennessee, and that it shall not exceed

nine millions, until it shall be extended to the southern boundary of Kentucky, and that it shall not be increased to twelve millions, until it shall be extended to Lexington, in Kentucky: provided, also, that any share in the Bank, on which any instalment shall not be paid when called for, shall, with all the payments made thereon, be forfeited to the Bank; but such defaults shall not induce a forfeiture to the corresponding railroad shares.

SEC. 7. The Board of Directors of the Railroad, and of the Bank, shall, also, be distinct and separate bodies; and the capital of the Railroad and of the Bank, shall, also, be kept distinct and separate. The Bank shall never be liable for the debts of the railroad company, but the railroad company shall be liable for the debts of the Bank in case of failure, except that shares in the railroad which have no corresponding shares in the Bank shall not be liable to the debts of the Bank.

SEC. 8. The President and Directors of the Bank shall make up, annually, a full statement of the affairs thereof, as they may stand on the first day of October, and also, of the affairs of each of the branches on that day, as rendered to them by the President and Directors of such branch, and shall send one copy thereof, certified by the President and Cashier, to each of the Governors of the said States, to be laid before their respective Legislatures.

SEC. 9. The mother or principal Bank shall be located at Charleston; and the said Bank may establish branches, or have agencies thereof in any State, with the consent of the Legislature thereof. And it is hereby declared, that the said Bank shall not have corporate existence, unless two of the States of North Carolina, Tennessee, and Kentucky, shall consent to the establishment of branches therein.

SEC. 10. The Bank shall never issue any note, or draw a check which is payable to order or bearer, of a less denomination than five dollars, until the road is completed, nor less than ten dollars, after the completion of the said road; nor shall it ever put in circulation notes payable to order or bearer to an amount exceeding double its capital; and in case it shall not redeem its notes in current coin of the United States, when demanded at the Bank or branch where such notes are payable, such notes shall thenceforth bear interest at the rate of twelve per cent. per annum; and for such failure and refusal, by the branch located in Kentucky, to redeem their notes and other liabilities in gold or silver coin when demanded, the General Assembly may order a *scire facias* to be sued out from the General Court, and a judgment of a forfeiture, of the charter granted by this State, declared.

SEC. 11. Neither the Bank or its branches shall lend money on the pledge of its own or the stock of the railroad, until three fourths of the capital of the railroad company shall have been paid in, and then only to one half of the said stock; and the Bank shall never permit the railroad company to overdraw.

SEC. 12. Each branch of the said Bank shall be an office of discount and deposit; it shall have a Board to consist of a President and not less than six Directors, with a Cashier, and such other officers as the business of the branch may require. The Board shall conform to all orders it may receive from the President and Directors of the Bank, and shall possess such powers as the said President and Directors may confer on them, consistently with this charter.

SEC. 13. And the said corporation, by its name and style aforesaid, shall be and is hereby made capable, in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, as natural persons, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and to sell, convey and dispose of all such real estate, goods, effects and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to said Bank as security for any debt, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment in favor of the Bank, or in the purchase of any property on which the said Bank may have a lien: also, to have and use a common seal, and the same to break, alter and renew, at pleasure; to discount promissory notes at a rate of interest not exceeding one per cent. for sixty days; to deal in exchange, and gold and silver bullion, and to discount bills of exchange; and said Bank shall not, directly or indirectly, deal or trade in any thing except loaning money at the rate of interest aforesaid, and in exchange, and in gold and silver bullion, or in the sale of goods, chattels, rights and credits, really and truly pledged for money lent and not redeemed in time, or goods, the proceeds of its lands; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of the said States, or of the United States, or to the constitutions thereof, and generally to do and execute all and singular, such acts, matters and things, as may be deemed necessary and proper for the good government and management of said corporation, and subject, nevertheless, to such regulations, restrictions, limitations and provisions, as are hereby prescribed and declared.

SEC. 14. That the total amount of debts which the said corporation shall at any time owe, shall not exceed twice the amount of its capital stock paid in, exclusive of the amount of money then actually deposited in the Bank for safe keeping; and in case of excess, the directors, under whose administration such excess shall happen, shall be liable for the same in their private and individual capacities, and an action may, in such case, be brought against them, or any of them, their, or any of their heirs, executors or administrators, in any court having competent jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said railroad company, or the said Bank, or the lands, tenaments, goods or chattels of the same, from being also liable for said excess; and such of the said directors as may have been absent when such excess was contracted or enacted, or such as may have dissented from the resolution or act whereby the same was contracted or enacted, may, respectively, exonerate themselves from being thus liable, by forthwith giving notice of the act, and of their absence, or their dissent, to the stockholders, at a general meeting to be called for that purpose.

SEC. 15. That dividends shall be made, at least twice in every year, by the said corporation, of so much of the profits of the said Bank as shall appear to the directors advisable; and once in every year the directors shall lay before the stockholders, at a general meeting, for their information, the amount of surplus profits, if any, after deducting losses and dividends.

SEC. 16. That no officer of said Bank, other than a director, not being present, shall be permitted, either directly or indirectly, to carry on the business of trade of merchandise, factorage, brokerage, vendue, or the exchange of money or bills for profit; and every such officer, so trading, shall be removed from office by the directors, and shall not be re-eligible to any office in said Bank or its branches. That no director, or other officer of the said Bank, shall, directly or indirectly, receive any compensation for any agency, for negotiating any business with the Bank or its branches, in procuring discounts, renewing notes, or receiving moneys for individuals, or notes discounted; and any such director, or other officer, thus receiving compensation, shall be removed from office, and disqualified from thereafter holding any office in said Bank or its branches.

SEC. 17. That a meeting of the stockholders may be called, at any time, by the president and directors, and a majority of them, or by any director who may protest against the proceedings of the board, or who may wish the propriety of his dissent to be considered by the stockholders, or whenever the holders of ten thousand shares, or upwards, shall require the same; provided, that no such meeting of the stockholders shall be competent to transact business, unless one month's notice thereof be given, in at least two public gazettes in each of the said States, unless a majority of the stock in the said Bank be represented. That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as may be requisite for its immediate accommodation, for the transaction of business, and such as shall have been bona fide mortgaged or assigned to it by way of security or payment for debts, previously contracted in the course of its dealings, and such as shall have been purchased at sales upon judgments previously obtained.

SEC. 18. Each share in the Bank shall be inseparably connected with a share in the railroad company, and shall never be transferred without it; and the forfeiture of a share in the railroad company, for the non-payment of any instalment called for thereon, shall induce a forfeiture to the Bank corporation of the corresponding share. Railroad stock shall be assignable and transferrable, according to such regulations, and upon such terms, as may be prescribed and fixed by the said Bank corporation, or the directors thereof.

SEC. 19. The bills or notes which may be issued by order of the said Bank corporation, signed by the president and countersigned by the principal cashier, as treasurer thereof, promising the payment of money, to any person or persons, his, her, or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the said corporation in like manner and with like force and effect as upon any private person or persons issued by him, her, or them, in his, her, or their private capacity, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assigned by endorsement, in like manner and with like effect, as foreign bills of exchange now are, and those which are payable to any person or persons, or bearer, shall be negotiable or assignable by delivery only.

SEC. 20. Notes of twenty dollars, and under, may be signed by the president and cashier of the branches where they are payable, and shall have the

same effect as they would have if signed by the president and cashier of the principal Bank.

SEC. 21. That no less than five directors in the principal Bank, or four in a Branch, shall constitute a board for the transaction of business, of whom the president shall always be one, except in the case of sickness or necessary absence, when his place may be supplied by any other director, whom he, by writing, shall nominate for the purpose; and in default of such nomination, by the president, or in case of sickness or necessary absence of the person so nominated, the board of directors may, by ballot, appoint a temporary president.

SEC. 22. The directors for the time being shall have power to appoint such officers, clerks and servants, under them, as shall be necessary for executing the business of said corporation, in such manner and upon such terms as they shall deem necessary and proper; and shall also have power to remove said officers, from time to time, at their will and pleasure; and shall be capable of exercising such other powers and authorities for the well government and ordering of the affairs of the said corporation as shall be prescribed, fixed and determined, by the laws and regulation thereof.

SEC. 23. That the president, cashier and clerks, in keeping the books of the said Bank, shall be and they are hereby declared to be exempted from the performance of ordinary military duty, and from serving as jurors.

SEC. 24. The capital stock of said Bank employed in any branch, in this State, shall not be less than one hundred thousand dollars, nor more than or one million of dollars; on which the said Bank shall pay the same tax or bonus as is required on the Bank stock of the Bank of Kentucky, and the Northern Bank of Kentucky, to-wit: an annual tax not exceeding fifty cents on each hundred dollars so employed, to be set apart and paid in the same manner and amount, and at the same time as the said Bank of Kentucky and Northern Bank of Kentucky are and shall be required to do by law: Provided the State of Kentucky reserves to herself, without limitation, the full power of taxation over so much of the capital of said Bank, as may be at any time employed in the Branch in said State: Provided, that the real estate of the said Bank, and its goods pledged for money lent, and its goods the produce of its lands, may be taxed at the same rate as similar real estate and goods are taxed in the State, where the same may be situated.

SEC. 25. That any real estate, bills, notes, moneys, profits, or other property whatever, which may, on the dissolution of said Bank corporation, be owned or possessed by it, shall be held by the directors of said Bank, for the use and benefit of all persons holding shares in said corporation, at the time of its dissolution, and their legal assignees and representatives in average and proportion to the number or amount of said shares.

SEC. 26. In case the railroad company shall finish the road with a double track from Charleston, or the railroad of the South Carolina canal and railroad Company, to the Ohio river, or shall unite it in the State of Kentucky with some other railroad which may connect it with the Ohio river, within ten years, from the first day of January, 1837, or in case the said Louisville, Cincinnati and Charleston Railroad Company shall, within the same period, actually expend on the road the sum of twelve millions of dollars, then the said Bank shall have corporate existence for twenty one years after the expiration of said ten years, otherwise, it shall cease to have corporate existence after the expiration of the said ten years: Provided, however,

that if, at the end of twelve years, from the first day of January, 1839, the company shall not have expended two millions of dollars on the road in the State of Kentucky, should that amount be required to finish it in the State, then the Legislature shall have full power to repeal the Bank charter so far as Kentucky is concerned.

SEC. 27. It is hereby declared, that in case the railroad company shall not, within five years, from the first day of January, 1837, have called in and expended, or made contracts to the amount of three millions of dollars, for the construction of the road, the grant of banking privileges hereby conferred, shall cease and be revoked; in case the construction of the railroad shall be suspended, after the Bank goes into operation for one year, before the final completion of the road, then this charter shall be taken and deemed as null and void; but the Bank shall, in this contingency, be allowed two years for winding up their concerns without the privilege of doing new business.

SEC. 28. The said Bank shall establish a branch in this State for the transaction of its business, pursuant to the provisions hereinbefore contained: Provided, that neither the principal Bank, nor the branch which may be located in this State, shall establish any agency in this Commonwealth, at a greater distance than twenty miles from the line of said railroad, to be located in this State, without the consent of the Legislature first had and obtained.

SEC. 29. That it shall be lawful for the General Assembly, whenever it shall have reason to believe that the charter hereby granted has been violated, to order a *scire facias*, to be sued out from the Circuit Court of the county in which the Branch Bank, hereby authorized, shall be located, in the name of the State of Kentucky, which shall be executed upon the president, or any two of the directors, or upon the cashier of said Branch Bank, for the time being, at least ten days before the commencement of the term for said court, calling on said corporation to show cause wherefore their charter, hereby granted, shall not be declared void; and it shall be lawful of the said court, upon the return of said *scire facias*, unless good cause be offered for a continuance, to examine into the truth of the alleged violation; and if such violation shall be made to appear, then to pronounce and adjudge that the said charter is forfeited—annulled: Provided, however, every issue of fact, which may be joined between the State of Kentucky and the corporation aforesaid, shall be tried by jury; and it shall be lawful for the court aforesaid, to require the production of such of the books of the corporation, as it may be deemed necessary for the ascertainment of the controverted facts; and it may be lawful for such person as may appear for the State, or for the corporation, being dissatisfied with such final judgment as may be had in said court, to appeal to the Supreme Court of the State: Provided, however, that in all cases where the charter of said Bank shall be adjudged to be forfeited, and the corporation dissolved, such dissolution or forfeiture being declared, shall not extinguish the debts due to or from said corporation; but the court rendering such final judgment, shall proceed to appoint a receiver or receivers, who shall have full power to collect, in his or their own names, all the debts due to said corporation, to take possession of all its property, to sell, and dispose, and distribute the same, in order to pay off the creditors of said corporation, and afterwards to reimburse the stockholders thereof, under such rules, regulations,

provisions, and restrictions, as the court rendering such judgment shall direct.

SEC. 30. That no judgment, sentence, or decree, which may be pronounced, declaring the said charter forfeited and annulled, shall be so construed as to exempt the said corporation, or any of its effects, from the redemption of all debts and demands which may be against it at the time of pronouncing such final judgment, sentence, or decree, or from distribution among the stockholders after the payment of debts.

SEC. 31. *Be it further enacted*, That none but citizens of the United States shall have the right of voting at the meeting of the stockholders.

SEC. 32. *And be it further enacted*, That in case the said banking corporation should establish a branch in the State of Kentucky, the principal Bank in Charleston, and branches thereof in the several States, shall never charge and receive a higher premium than one half of one per cent. on the checks that may be drawn by one on another; and that whenever the said principal Bank, or any of its branches, shall draw any check on any other Bank in any of the States of Kentucky, Tennessee, North Carolina, or South Carolina, or elsewhere, it shall not charge and receive a higher premium than one half of one per cent.; provided, that the Bank on which such check shall be drawn, shall, by reciprocal agreement, draw on the said principal Bank, and its branches, at no higher premium; and in case the said principal Bank, or any of its branches, shall receive a higher premium than one half of one per cent. on any of its drafts, or checks, aforesaid, the whole premium paid thereon, with one hundred per cent. damages, and cost of suit may be recovered back, in an action for money had and received, against the principal Bank, or the branch, which may have received such illegal premium.

SEC. 33. *And be it further enacted*, That in case the said banking corporation shall establish a branch in the State of Kentucky, on the bills of exchange, that the said principal Bank, or any of its branches, may purchase, payable in the United States, no greater rate of discount shall be required or taken, than one per cent., besides interest at the rate of six per cent. per annum for the time said bills shall have to run; and in case a larger discount shall be required and taken, the whole amount of such discount, so required and taken, with one hundred per cent. damages and costs of suit, may be recovered in an action for money had and received, against the principal Bank, or the branch which may have required and taken such illegal discount.

SEC. 34. *And be it further enacted*, That in case the said Bank corporation shall establish a branch in Kentucky, the Legislature thereof may, at all times, order the affairs of the said branch to be examined by a committee or committees; and it shall be the duty of the said branch to exhibit to the said committee or committees, all their books and evidences of debts, and to submit to an examination, on oath, if required, touching the affairs of the said branch, and its instructions from said connection in business with the principal Bank and its other branches; and if, on legal proceeding instituted against the said branch, a forfeiture of this charter shall be declared, the said branch shall be forthwith suspended.

SEC. 35. That in suits brought against the President Directors and Company of the Southwestern Railroad Bank in this State, service of process on the President of the branch located in this State, or if there be no President,

then on the Cashier, or any other officer of said Branch, shall be deemed a sufficient service on said Company.

SEC. 36. *Be it further enacted*, That the branch of said Bank established in this State, shall be bound to receive the notes issued by the mother Bank or any of its branches, whether payable at said branch or not, from individuals or from the Banks incorporated by this State, in discharge of any balance which may be due from any of them to said branch.

SEC. 37. That the capital of the branch hereby authorized to be located in this State, shall be allotted to it from time to time, accompanied with a certificate of such allotment; which certificate shall be deposited in said branch, and be reported to the Legislature of Kentucky; and when so allotted, said capital shall not at any time be diminished, without the consent of the Legislature; and the said branch shall at no time, exclusive of deposits, owe more than twice the amount of the capital allotted, or bank to an extent beyond twice the amount of said capital.

SEC. 38. *Be it further enacted*, That the president and directors of the branch located in this State, shall be citizens thereof, and stockholders in said Railroad and Bank Companies.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McClung and Butler, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Dorton, | Rodes, |
| Messrs. Allen, | Edmonson, | Root, |
| Anderson, S. H. | Fox, | Royston, |
| Andrews, | Gano, | Shanklin, |
| Apperson, | Goodson, | Sharpe, |
| Bailey, | Gray, B. E. | Slaughter, |
| Basye, | Haggard, | Smith, L. B. |
| Bledsoe, | Heady, | Sprigg, |
| Brooks, | Jasper, | Swope, |
| Browder, | Johnson, | Thomas, |
| Buford, | McBrayer, | Thornburg, |
| Clay, | McFall, | Trimble, |
| Coleman, | Morehead, | Trumbo, |
| Coffey, | Morris, | White, |
| Combs, | Myers, | Wintersmith, |
| Cornish, | Newell, | Yates—49. |
| Daviess, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Gray, N. E. | Pirtle, |
| Ballard, | Hardy, | Pope, |
| Bodine, | Harris, | Purdy, |
| Bradley, | Hopkins, | Redd, |
| Bradshaw, | Howard, | Reeves, |

| | | |
|---|---|---|
| Bullock, | Hughes, | Riffe, |
| Buckner, | Latimer, | Ritter, |
| Burden, | Lecompte, | Rowan, |
| Butler, | Marshall, | Rowlett, |
| Cofer, | McClung, | Rudd, |
| Dohoney, | McClure, | Smith, I. |
| Ellison, | McElroy, | Sutton, |
| Field, | Meriwether, | Taggart, |
| Finn, | Mims, | Todd, |
| Goble, | Newton, | Wade, |
| Gough, | O'Bannon, | Walker—49. |
| Graham, | | |

Mr. Sprigg moved the following resolution, viz:

*Resolved*, That the committee on Internal Improvement be, and they are hereby instructed to bring in a bill to repeal the 7th section of the act, entitled, an act further to provide for the internal improvement of the State, approved February, 1838.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Bullock, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Newell, |
| Messrs. Allen, | Finn, | O'Bannon, |
| Bailey, | Gray, N. E. | Pirtle, |
| Ballard, | Hardy, | Purdy, |
| Bodine, | Howard, | Reeves, |
| Bradley, | Jasper, | Riffe, |
| Bullock, | Johnson, | Rowan, |
| Buckner, | Lecompte, | Rudd, |
| Burden, | Marshall, | Smith, I. |
| Coleman, | McBrayer, | Smith, L. B. |
| Coffey, | McClure, | Sprigg, |
| Cornish, | McElroy, | Sutton, |
| Daviess, | Mims, | Yates—41. |
| Dohoney, | Morehead, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Gano, | Myers, |
| Andrews, | Goodson, | Newton, |
| Apperson, | Haggard, | Rodes, |
| Bledsoe, | Heady, | Royston, |
| Brooks, | Hopkins, | Shanklin, |
| Butler, | Hughes, | Taggart, |
| Cofer, | Latimer, | Trumbo, |
| Dorton, | Meriwether, | Walker, |
| Field, | Morris, | Wintersmith—27. |

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to establish a State road from the town of Paducah to the State line, in the direction of Paris—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Buckner—1. A bill to amend the act, entitled, an act for the benefit of the heirs of James Allen, dec'd.

By Mr. Edmonson—2. A bill to incorporate the Munfordsville Polemic and Literary Society.

By Mr. Bledsoe—3. A bill to change the place of voting in the Ruddle's Mill Precinct, in Bourbon county.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

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## THURSDAY, FEBRUARY 21, 1839.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act for the divorce of James Helton.

An act for the divorce of Mary Ann Sammons.

An act for the divorce of Washington Sherer.

An act for the divorce of Samuel Smedley.

An act for the divorce of Joseph Shropshire.

An act for the divorce of Margaret M. Pulliam.

And the passage of bills from this House, of the following titles, viz:

An act for the benefit of the heirs of Reuben Sullinger, dec'd.

An act allowing additional Justices of the Peace to several counties, and for other purposes.

An act further to provide for the internal improvement of the State.

With amendments to the last bill.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred a bill to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county—reported the same with an amendment, which was concurred in.

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Hardy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act to amend an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers a preference of location to lands improved by them.

An act for the benefit of Thomas Croper, James Southard, and William Sugg.

An act for the benefit of the Sheriff of Livingston county.

An act to allow an additional Constable to the county of Monroe.

An act for the benefit of Annie H. Blair, and the widow and heirs of Wm. C. Warfield.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act concerning the estate of Daniel Riley, dec'd.

An act to incorporate the Trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

An act for the divorce of Rhoda Lytle.

An act to change the names of Elizabeth Harris's children.

An act for the benefit of Sandy H. Aldridge.

An act for the divorce of Sarah McGinnis.

An act authorizing the sale of the land and slaves descended to Mary McPheters.

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace.

An act to change the time of holding the Muhlenburg Circuit Court.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

Mr. Pope, from the committee on Claims, who were appointed to prepare and bring in the same—reported a bill for the benefit of Susan Trigg.

Which was read the first time, and ordered to be read a second time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to incorporate the Munfordsville Bridge Company.

An act for the benefit of the Sheriff of Gallatin county.

With amendments to each.

And had passed bills from the Senate, of the following titles, viz:

An act for the completion of the Franklin portion of the Crab Orchard Turnpike.

An act for the benefit of the Trustees of the Glasgow Academy.

An act for the benefit of the Sheriff of Campbell county.

An act further regulating the duties of the Commissioners of the revenue.

An act to incorporate the Lebanon Lyceum.

An act to authorize the construction of a road from the bridge on the Rolling Fork of Salt river to New Market.

An act declaring the tributaries of Licking and other rivers navigable.

An act to change the place of voting in Bailey's Precinct, in Shelby county.

An act to repeal, in part, an act incorporating a company to make a turnpike road through Lebanon, Glasgow and Greensburg.

The House again resumed the consideration of the bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company.

The fifth section of said bill reads as follows, viz:

That it may be lawful for the President and Directors of said Railroad Company to procure the Chief Engineer of the Commonwealth of Kentucky, to design a plan for the re-construction of that part of said road from Lexington to Frankfort, and make out an estimate of the costs thereof; and it shall be lawful for them to re-construct the same out of the moneys authorized to be raised by this act, if it shall be the opinion of said Engineer and said President and Directors of said Company, more to the interest of the company and the public, than to apply the same to making the whole of said road from Louisville to Frankfort.

Mr. Rodes moved to strike out said section, and insert in lieu thereof the following, viz:

*Be it further enacted*, That the president and managers of the Road shall cause to be re-constructed, that part of the road from Lexington to Frankfort, out of the money obtained by this guarantee, agreeably to a plan which shall be submitted by the Chief Engineer of the State.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rodes and Sharpe, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Rodes, |
| Messrs. Bailey, | Haggard, | Royston, |
| Bledsoe, | Harris, | Shanklin, |
| Brooks, | Jasper, | Sharpe, |
| Buford, | Johnson, | Smith, L. B. |
| Clay, | Latimer, | Thomas, |
| Coleman, | Marshall, | Thornburg, |
| Coffey, | McFall, | Trumbo, |
| Combs, | Morehead, | Wade, |
| Dorton, | Morris, | Walker, |
| Fox, | Myers, | White—35. |
| Gano, | Newell, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | O'Bannon, |
| Anderson, S. H. | Goble, | Pirtle, |
| Ballard, | Gough, | Pope, |
| Basye, | Graham, | Purdy, |
| Bodine, | Gray, B. E. | Redd, |
| Bradley, | Gray, N. E. | Reeves, |
| Bradshaw, | Hardy, | Riffe, |
| Browder, | Heady, | Ritter, |
| Bullock, | Hopkins, | Root, |
| Buckner, | Howard, | Rowan, |
| Burden, | Hughes, | Slaughter, |
| Butler, | Lecompte, | Smith, I. |
| Cofer, | McBrayer, | Sutton, |
| Cornish, | McClure, | Swope, |
| Daviess, | McElroy, | Taggart, |
| Dohoney, | Meriwether, | Trimble, |
| Edmonson, | Mims, | Wintersmith, |
| Ellison, | Newton, | Yates—55. |
| Field, | | |

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The amendments proposed by the Senate to bills from this House, of the following titles, viz:

An act further to provide for the internal improvement of the State.

An act to incorporate the Munfordsville Bridge Company.

An act for the benefit of the Sheriff of Gallatin county,

Were taken up, twice read, and concurred in.

On motion,

*Ordered*, That leave of absence for the balance of the session, be granted to Messrs. Howard, Trumbo and Goble.

Bills from the Senate, of the following titles, viz:

1. An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

2. An act to incorporate the Town of Locust Port, in Union county.

3. An act for the relief of the securities of Wesley M. Garnett, dec'd, and Henderson Murphy.

4. An act for the relief of John Boggess, and his securities.

5. An act authorizing the running and re-marking the line between Green and Adair counties.

6. An act for the benefit of William N. Taule's representatives.

7. An act for the appropriation of fines in the city of Lexington, and for other purposes.

8. An act for the benefit of the trustees of the Glasgow Academy.

9. An act to incorporate the Lebanon Lyceum.

10. An act for the benefit of the Sheriff of Campbell county.

11. An act declaring the tributaries of Licking and other rivers navigable.

12. An act to change the place of voting in Bailey's Precinct, in Shelby county.

13. An act to authorize the constructing of a road from the bridge on the Rolling Fork of Salt river to New Market.

14. An act to repeal, in part, an act incorporating a company to make a turnpike road through Lebanon, Greensburg and Glasgow.

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 14th) having been dispensed with,

The 1st, 2d, 5th, 6th, 7th, 8th, 9th, 11th, 12th and 13th, were ordered to be read a third time; the 3d and 4th were referred to the committee on Military Affairs, and the 10th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 5th, 6th 7th, 8th, 9th, 11th, 12th and 13th bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act further defining the offence of burglary by a slave—was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was disagreed to.

A bill from the Senate, entitled, an act to amend an act, entitled, an act offering a further reward for the discovery of the cause of the disease called the Milk Sickness—was read the first time.

*Ordered*, That said bill be laid on the table.

A bill from the Senate, entitled, an act for the completion of the Franklin portion of the Crab Orchard Turnpike,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, the same was then amended.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be amended to read,

An act for the completion of the Franklin portion of the Crab Orchard Turnpike, and to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company.

An engrossed bill, entitled, an act to give Justices of the Peace jurisdiction in cases of trespass, and trespass on the case where the damages are laid to five pounds or under—was read the third time, as follows, viz:

Whereas, it is represented to this General Assembly, that there is great inconvenience resulting to many of the good people of this Commonwealth, because of the want of jurisdiction in Justices of the Peace, in cases of trespass, and trespass on the case, where the damages complained of do not exceed five pounds: Therefore,

*Be it enacted, by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for any Justice of the Peace in this State, upon application to him made, to issue his warrant, directed to any Constable of the county in which said Justice may reside, against any person or persons who may be charged with any trespass, or trespass on the case where the damages complained of do not exceed five pounds; and any such Constable is hereby authorized and required to execute any such warrant, and return the same, according to the rules and regulations that govern the execution and return of warrants in cases of debt, &c.

*Be it further enacted*, That in all cases of trespass, or trespass on the case, tried before any Justice of the Peace, it shall be lawful, and the Constable who executed the warrant is hereby required and directed, at the request of either party litigant, to summon a jury of twelve men, who shall be sworn well and truly to try the issue between the parties, and a true verdict render, according to the evidence, unless dismissed by the Justice, or withdrawn by the parties; and such jurymen shall be subject to the same challenges, exceptions, &c., that jurymen are now subject to, when summoned to serve on juries in the Circuit Courts of this State.

*Be it further enacted*, That it shall be the duty of any Justice of the Peace, before whom any warrant for a trespass may be returned, to preside over the trial thereof—in which trials all the pleadings shall be by parol; and the defendant or defendants shall be permitted to give in evidence, all matters of legal justification, without being required to plead the same specially.

*Be it further enacted*, That any Justice so presiding over trials in actions

of trespass, and trespass on the case, shall render judgment upon the verdict of the jury, and issue an execution therefor, as in other cases, and where the plaintiff or plaintiffs shall fail in his, her or their action, the defendant or defendants shall have judgment for his, her or their costs, as in other cases.

*Be it further enacted*, That the parties litigant shall have the same right of appeal, and shall be governed by such rules and regulations therein, as are applicable in appeals in other cases from the judgments of Justices of the Peace: Provided, that the provisions of this act shall not be construed to apply to actions of ejectment, or to any action of trespass, where the title of land may be involved.

And the question being taken on the passage thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Andrews and Fox, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Jasper, | Riffe, |
| Coleman, | Lecompte, | Rowan, |
| Coffey, | McBrayer, | Sharpe, |
| Cornish, | McClure, | Smith, I. |
| Dohoney, | Meriwether, | Sprigg, |
| Fox, | Morehead, | Sutton, |
| Gough, | Morris, | Thornburg, |
| Heady, | Newell, | Todd, |
| Howard, | Pirtle, | Wade, |
| Hughes, | Purdy, | White—29. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Combs, | McElroy, |
| Messrs. Allen, | Daviess, | McFall, |
| Anderson, A. | Dorton, | Mims, |
| Anderson, S. H. | Edmonson, | Myers, |
| Andrews, | Ellison, | O'Bannon, |
| Apperson, | Field, | Pope, |
| Bailey, | Finn, | Redd, |
| Basye, | Gano, | Ritter, |
| Bledsoe, | Goble, | Rodes, |
| Bradley, | Goodson, | Root, |
| Bradshaw, | Graham, | Royston, |
| Brooks, | Gray, B. E. | Shanklin, |
| Browder, | Gray, N. E. | Slaughter, |
| Buford, | Haggard, | Smith, L. B. |
| Bullock, | Hardy, | Taggart, |
| Buckner, | Hopkins, | Thomas, |
| Burden, | Johnson, | Trimble, |
| Butler, | Latimer, | Walker, |
| Cofer, | Marshall, | Wintersmith—57. |

A bill to prevent frauds on Turnpike Road Companies in this Commonwealth—was read a second time.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

An engrossed bill, entitled, an act to prescribe and regulate the duty of Clerks of County and Circuit Courts, and of County Attorneys—was read the third time.

And the question being taken on the passage thereof, it was decided in the negative. And so the said bill was rejected.

A bill to amend the election laws—was read a second time.

*Ordered*, That the said bill be laid on the table until the first day of June next.

A bill for the improvement of the road from Taylorsville to Louisville—was read a second time, as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of improving that part of the road leading from Louisville, by way of Jeffersontown and Taylorsville, to Harrodsburg, that passes through the county of Spencer, the sum of thirteen thousand five hundred dollars is hereby appropriated, out of the Internal Improvement Fund of this State; which sum shall be expended under the supervision and control of two commissioners, to be appointed by the Spencer County Court. But before said commissioners shall be authorized to receive the appropriation hereby made, or to commence the work hereby contemplated, they are required to execute a bond, payable to the Commonwealth, with good security, to be approved of by the Spencer County Court, in the penalty of twenty thousand dollars, conditioned for the faithful discharge of the duties herein prescribed; which bond shall be transmitted to the Board of Internal Improvements, and there filed.

Sec. 2. *Be it further enacted*, That in case the Company heretofore incorporated, or any other Company hereafter to be incorporated, should ever construct a turnpike road from Louisville to Taylorsville, then the amount of this appropriation is to be considered as so much stock, advanced and subscribed in said road, on the part of the Commonwealth.

Sec. 3. *Be it further enacted*, That upon the filing of the bond of the commissioners with the Board of Internal Improvements, as provided in the first section of this act, the Board shall pay one half of the amount of said appropriation, to said commissioners, to be expended in the year 1839; and the other half shall be paid in the year 1840.

Sec. 4. *Be it further enacted*, That the commissioners appointed under the provisions of this act, shall expend so much of the sum hereby appropriated, as may be necessary to improve that part of said road at Salt River Hill, and thro' Pond Run Valley; and the balance, if any, shall be expended on that part of said road, between Taylorsville and Jeffersontown.

Mr. Andrews moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Heady and Andrews, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Allen, | Finn, | Myers, |
| Anderson, S. H. | Fox, | Newton, |
| Andrews, | Gano, | O'Bannon, |
| Bailey, | Goble, | Pirtle, |
| Ballard, | Gough, | Ritter, |
| Basye, | Graham, | Royston, |
| Bledsoe, | Haggard, | Shanklin, |
| Bradshaw, | Hardy, | Sharpe, |
| Brooks, | Hopkins, | Smith, I. |
| Burden, | Howard, | Smith, L. B. |
| Butler, | Latimer, | Taggart, |
| Combs, | Marshall, | Todd, |
| Dorton, | McClure, | Wade, |
| Edmonson, | McElroy, | Walker—43. |
| Ellison, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gray, B. E. | Purdy, |
| Messrs. Apperson, | Gray, N. E. | Redd, |
| Bradley, | Heady, | Riffe, |
| Browder, | Hughes, | Rodes, |
| Buford, | Johnson, | Root, |
| Bullock, | Lecompte, | Rowan, |
| Cofer, | McBrayer, | Slaughter, |
| Coffey, | McFall, | Sutton, |
| Cornish, | Meriwether, | Thomas, |
| Daviess, | Mims, | Thornburg, |
| Dohoney, | Morris, | White, |
| Field, | Newell, | Wintersmith, |
| Goodson, | Pope, | Yates—39. |

An engrossed bill, entitled, an act to authorize the taking of depositions in certain cases—was read the third time.

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. O'Bannon, from the committee on Military Affairs, to whom was referred a bill from the Senate, entitled, an act for the benefit of John Boggess, and his securities—reported the same, with an amendment, which was concurred in.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be amended to read as follows:

An act for the benefit of Jno. Boggess, and his securities, and James G. Hardy.

Mr. Johnson, from the committee on Education, to whom was referred a bill from the Senate, entitled, an act to amend an adt to establish a system of common schools in the State of Kentucky—reported the same without amendment. The said bill was then amended.

*Ordered*, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Andrews, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act to amend the charter of the Maysville Insurance Company.

An act for the benefit of James Doyle and his legal representatives,

Reported the same without amendment.

*Ordered*, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

A bill to change the terms of the Circuit Courts in the Second Judicial District, and the terms of the Allen County Court.

A bill for the divorce of Nancy Lyon.

A bill for the benefit of Wm. Smith.

Which were severally read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act further regulating the duties of the Commissioners of the Revenue—was read the first time.

Mr. McElroy moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McElroy and Thornburg, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Bodine, | Lecompte, | Pirtle, |
| Butler, | McElroy, | Pope, |
| Gray, N. E. | Meriwether, | Riffe, |
| Hopkins, | Mims, | Wade—13. |
| Hughes, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | O'Bannon, |
| Messrs. Anderson, A. | Finn, | Redd, |
| Anderson, S. H. | Gano, | Ritter, |
| Andrews, | Goodson, | Rodes, |
| Apperson, | Graham, | Root, |
| Bailey, | Gray, B. E. | Rowan, |
| Bledsoe, | Haggard, | Royston, |
| Bradley, | Hardy, | Shanklin, |
| Bradshaw, | Heady, | Sharpe, |
| Brooks, | Jasper, | Slaughter, |
| Browder, | Johnson, | Smith, L. B. |
| Buford, | Latimer, | Sprigg, |
| Bullock, | Marshall, | Sutton, |
| Burden, | McBrayer, | Taggart, |
| Coleman, | McClure, | Thomas, |
| Cofer, | McFall, | Thornburg, |
| Combs, | Morehead, | Trimble, |
| Cornish, | Morris, | Walker, |
| Daviess, | Myers, | White, |
| Dohoney, | Newell, | Wintersmith, |
| Dorton, | Newton, | Yates—64. |
| Ellison, | | |

*Ordered*, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

*Ordered*, That said bill be read a third time.

Mr. Andrews moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Coleman and Walker, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | Newton, |
| Messrs. Anderson, S. H. | Field, | O'Bannon, |
| Andrews, | Finn, | Pirtle, |
| Apperson, | Fox, | Reeves, |
| Bailey, | Gano, | Riffe, |
| Bledsoe, | Goodson, | Ritter, |

| | | |
|---|---|---|
| Bodine, | Graham, | Rodes, |
| Bradley, | Gray, B. E. | Root, |
| Bradshaw, | Haggard, | Rowan, |
| Brooks, | Hardy, | Royston, |
| Browder, | Heady, | Shanklin, |
| Buford, | Jasper, | Sharpe, |
| Bullock, | Johnson, | Slaughter, |
| Buckner, | Latimer, | Smith, L. B. |
| Burden, | Marshall, | Sprigg, |
| Butler, | McBrayer, | Sutton, |
| Coleman, | McClung, | Taggart, |
| Cofer, | McClure, | Thomas, |
| Coffey, | McFall, | Thornburg, |
| Combs, | Mims, | Trimble, |
| Cornish, | Morehead, | Walker, |
| Daviess, | Morris, | White, |
| Dohoney, | Myers, | Wintersmith, |
| Dorton, | Newell, | Yates—73. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Gough, | Lecompte, | Pope, |
| Gray, N. E. | McElroy, | Redd, |
| Hopkins, | Meriwether, | Wade—10. |
| Hughes, | | |

And then the House adjourned.

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## FRIDAY, FEBRUARY 22, 1839.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act to incorporate the Cumberland Coal Mining Company.

An act for the divorce of Richard Lucas.

And the passage of bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

An act to amend an act, entitled, an act to amend and reduce into one, the several acts for the inspection of tobacco, approved Feb. 10, 1798.

An act to legalize certain proceedings of the Morgan County Court.

An act for the benefit of Recter Gore and others.

An act in relation to the Frankfort and Paris fire companies.

An act for the divorce of Matilda Jones.

An act for the divorce of Polly T. Ellison.

An act for the divorce of Nancy T. Sanders.

An act for the benefit of Stephen R. Chenowith, jailer of Jefferson county, and Henry Payne, jailer of Union county.

An act for the benefit of the mechanics of Brandenburg.

An act to incorporate the Covington Social Library.

An act making an appropriation to the Anderson County Seminary.

An act for the benefit of Ambrose Wickersham.

An act to authorize the establishment of roads to Coal and Iron Banks.

An act to incorporate the Bowlinggreen Fire, Life and Marine Insurance Company.

An act for the benefit of B. H. Flowers, of Russell county, and William Gates, of Monroe county.

An act to provide for the purchase of certain books for the use of this State.

An act to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes.

An act for the benefit of the orphans of Louisville.

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

An act granting a change of venue in the prosecution against James Lynn, jr.

An act to change the place of voting in the Ruddell's Mill precinct, in Bourbon county.

An act to amend an act, entitled, an act for the benefit of the heirs of James Allen, deceased.

*Ordered*, That the Clerk be directed to employ an additional Assistant Clerk, for the balance of the session.

*Ordered*, That a message be sent to the Senate, asking leave to withdraw the report of this House, announcing their disagreement to a bill from the Senate, entitled, an act to amend the law incorporating the Town of Bardstown; and in a short time the messenger returned with said bill.

Mr. Slaughter moved a re-consideration of the vote disagreeing to the passage of said bill, and it was decided in the affirmative.

The question was then taken on the passage of said bill, and decided in the affirmative.

*Resolved*, That the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill for the benefit of John Jarman.

By same—2. A bill to amend an act, entitled, an act to incorporate the Adairsville, Russellville, and Muddy river Transporting Company.

By the committee on Military Affairs—3. A bill authorizing the building of an Arsenal, for the security and preservation of the public arms, ordnance, and ordnance stores belonging to the State of Kentucky, and for other purposes.

Which were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the first and second bills having been dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardy, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to add a part of Pulaski to Russell county.

An act further to provide for the Internal Improvement of the State.

An act for the benefit of the infant heirs of Edward Hord, dec'd.

An act for the benefit of the heirs of Reuben Sullinger, deceased.

An act allowing additional Justices of the Peace to several counties, and for other purposes.

An act to incorporate the Munfordsville Bridge Company.

An act for the benefit of Stephen R. Chenoweth, jailer of Jefferson county, and Henry Payne, jailer of Union county.

An act for the benefit of the Sheriffs of Gallatin and Clarke counties.

An act to amend an act, entitled, an act to amend and reduce into one the several acts for the inspection of tobacco, approved February 10, 1798.

An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

An act to legalize certain proceedings of the Morgan County Court.

An act for the benefit of Rector Gore, and others.

An act for the divorce of Nancy T. Sanders.

An act for the divorce of Polly T. Ellison.

An act for the divorce of Matilda Jones.

An act in relation to the Frankfort and Paris Fire Companies.

An act to abolish certain streets, and parts of streets, in the town of Canton, in Trigg county.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of James Doyle and his legal representatives.

An act for the benefit of the trustees of the Glasgow Academy.

An act to incorporate the Lebanon Lyceum.

An act further regulating the duties of the Commissioners of the revenue.

An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

An act to amend the charter of the Maysville Insurance Company.

An act to authorize the construction of a road from the bridge on the Rolling Fork of Salt river, to New Market.

An act declaring the tributaries of Licking and other rivers navigable.

An act to authorize the running and re-marking the line between Green and Adair counties.

An act to incorporate the Town of Locust Port, in Union county.

An act to amend the several laws in force for the town of Lebanon.

An act for the benefit of William N. Taul's representatives.

An act for the appropriation of the fines in the city of Lexington, and for other purposes.

An act to change the place of voting in Bailey's Precinct, in Shelby county.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

The House again resumed the consideration of the bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company.

The said bill, as amended, reads as follows, viz:

Whereas, by an act, entitled, "an act for the benefit of the Lexington and Ohio Railroad Company," approved February 15th, eighteen hundred and thirty eight, the said company was authorized to borrow, on its credit, the sum of nine hundred thousand dollars, to complete said road, and to contract with the city of Louisville, or any individual or individuals, company or corporation, to guarantee the bonds of the Company for said sum, on the terms stated in said act; and whereas, said act was approved and accepted by said Company, as provided therein, and the city of Louisville agreed to guarantee the bonds of said Company for said sum of nine hundred thousand dollars; but the Company have not been able to negotiate the loan, and now apply for Legislative aid: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of aiding said Company in completing said road, and giving the public the advantage thereof, and rendering the stock of the State and of the other stockholders in said Company productive, the Governor of this Commonwealth is hereby authorized and required to execute and deliver to the Lexington and Ohio Railroad Company, the bonds of the Commonwealth of Kentucky, for the sum of nine hundred thousand dollars, payable to said Company at any place without this State, the Company may desire, at any time after thirty years, at a rate of interest not exceeding five per cent., payable semi-annually on the first of July and January of each year, and exchange the same for the bonds of said Company, for the like amount, bearing the same rate of interest, guaranteed by the city of Louis-

ville, under the act of 15th February, 1838, entitled, an act for the benefit of the Lexington and Ohio Railroad Company; and the said Company shall undertake to pay the interest on the bonds given in exchange for the bonds of the Commonwealth, at the same time and place the interest on the bonds of the Commonwealth shall be made payable; and the Governor is authorized, in his discretion, to make the bonds of the State, to be executed under the provisions of this act, payable in sterling money.

Sec. 2. That the construction of the Lexington and Ohio Railroad shall, before the Governor issues the bonds of the State, as authorized by this act, be placed, by order of the President and Directors of said Company, under the direction of the Chief Engineer of the Commonwealth of Kentucky, for the time being; and said road shall be constructed in such manner and with such materials as he may direct; and the bonds of the State shall be sold under the direction of the Governor, and the proceeds shall be deposited in some Bank, and drawn out to pay for the materials and construction of said road, in such manner as he may prescribe.

Sec. 3. That the proper laying down a railroad, and extending the same through the streets of any city or town in this Commonwealth, and the using of such railroad for the transportation of persons and property thereon, shall not be considered or held as a public nuisance.

Sec. 4. That it may be lawful for the President and Directors of said Railroad Company to procure the Chief Engineer of the Commonwealth of Kentucky, to design a plan for the re-construction of that part of said road from Lexington to Frankfort, and make out an estimate of the costs thereof; and it shall be lawful for them to re-construct the same out of the moneys authorized to be raised by this act, if it shall be the opinion of said Engineer and said President and Directors of said Company, more to the interest of the company and the public, than to apply the same to making the whole of said road from Louisville to Frankfort.

Mr. Marshall moved to amend said bill, by adding to the first section, the following proviso, viz:

Provided, that the State of Kentucky shall, at any time within six years after the said railroad shall have been completed and in full operation throughout the whole line from Lexington to the Ohio river, have the option of converting the aforesaid loan into stock in said road, by undertaking the payment of the debt so incurred, and indemnifying the Company and the city of Louisville from the payment of the principal, and all the interest on said loan.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Marshall and Field, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Newell, |
| Messrs. Allen, | Ellison, | Purdy, |
| Anderson, A. | Fox, | Redd, |
| Anderson, S. H. | Gano, | Riffe, |

| | | |
|---|---|---|
| Andrews, | Goodson, | Ritter, |
| Apperson, | Gough, | Rodes, |
| Bailey, | Graham, | Root, |
| Basye, | Gray, N. E. | Royston, |
| Bledsoe, | Haggard, | Shanklin, |
| Bradley, | Heady, | Sharpe, |
| Bradshaw, | Hughes, | Smith, I. |
| Brooks, | Jasper, | Smith, L. B. |
| Buford, | Johnson, | Sprigg, |
| Bullock, | Latimer, | Sutton, |
| Burden, | Lecompte, | Taggart, |
| Clay, | Marshall, | Thomas, |
| Coleman, | McBrayer, | Thornburg, |
| Cofer, | McClung, | Todd, |
| Coffey, | McClure, | Trumbo, |
| Combs, | McFall, | Wade, |
| Daviess, | Morehead, | Walker, |
| Dohoney, | Morris, | White, |
| Dorton, | Myers, | Yates—69. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Hopkins, | Pope, |
| Bodine, | McElroy, | Reeves, |
| Browder, | Meriwether, | Rowan, |
| Buckner, | Mims, | Rudd, |
| Butler, | Newton, | Swope, |
| Cornish, | O'Bannon, | Trimble, |
| Field, | Pirtle, | Wintersmith—22. |
| Gray, B. E. | | |

The question was then taken on ordering said bill, as amended, to be read a third time, and decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Buford and Dorton, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gray, B. E. | Reeves, |
| Messrs. Allen, | Gray, N. E. | Ritter, |
| Andrews, | Hopkins, | Root, |
| Bailey, | Marshall, | Sharpe, |
| Ballard, | McClung, | Slaughter, |
| Bledsoe, | Meriwether, | Smith, I. |
| Bodine, | Mims, | Swope, |
| Brooks, | Morehead, | Todd, |
| Browder, | Newton, | Trimble, |
| Butler, | O'Bannon, | Wintersmith, |
| Cofer, | Pirtle, | Yates—35. |
| Field, | Pope, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Finn, | Newell, |
| Anderson, S. H. | Fox, | Purdy, |
| Apperson, | Gano, | Redd, |
| Basye, | Goodson, | Riffe, |
| Bradley, | Gough, | Rodes, |
| Bradshaw, | Graham, | Rowan, |
| Buford, | Haggard, | Royston, |
| Bullock, | Harris, | Rudd, |
| Buckner, | Heady, | Shanklin, |
| Burden, | Hughes, | Smith, L. B. |
| Clay, | Jasper, | Sprigg, |
| Coleman, | Johnson, | Sutton, |
| Coffey, | Latimer, | Taggart, |
| Combs, | Lecompte, | Thomas, |
| Cornish, | McBrayer, | Thornburg, |
| Daviess, | McClure, | Trumbo, |
| Dohoney, | McElroy, | Wade, |
| Dorton, | McFall, | Walker, |
| Edmonson, | Morris, | White—59. |
| Ellison, | Myers, | |

The House again resumed the consideration of the bill to amend the act to establish a system of common schools in the State of Kentucky, approved Feb. 16, 1838, and the substitute proposed by the committee on Education.

Mr. Sprigg moved to amend said substitute, by adding thereto the following section, viz:

*Be it enacted*, That no portion or part of the revenues set apart by law, as a sinking fund, to pay the interest on loans made for internal improvement, and for the final redemption of the principal of such loans, shall be abstracted and applied to support the system of common schools.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Gough, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Buckner, | Heady, |
| Messrs. Allen, | Coffey, | Purdy, |
| Anderson, S. H. | Edmonson, | Rudd, |
| Bodine, | Graham, | Sprigg—13. |
| Bullock, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Fox, | Newell, |
| Andrews, | Goodson, | O'Bannon, |
| Apperson, | Gough, | Redd, |
| Bailey, | Gray, N. E. | Riffe, |
| Basye, | Haggard, | Ritter, |
| Bledsoe, | Hardy, | Rodes, |
| Bradley, | Harris, | Root, |
| Bradshaw, | Hopkins, | Royston, |
| Brooks, | Hughes, | Shanklin, |
| Buford, | Johnson, | Sharpe, |
| Butler, | Latimer, | Slaughter, |
| Clay, | Lecompte, | Smith, I. |
| Coleman, | McBrayer, | Smith, L. B. |
| Cofer, | McClure, | Sutton, |
| Combs, | McElroy, | Taggart, |
| Cornish, | McFall, | Thomas, |
| Daviess, | Mims, | Todd, |
| Dorton, | Morehead, | Trimble, |
| Ellison, | Morris, | Walker, |
| Field, | Myers, | Wintersmith—61. |
| Finn, | | |

Mr. L. B. Smith then moved to amend said substitute, by adding thereto the following, viz:

*Be it further enacted*, That so much of the act establishing a system of common schools in the State of Kentucky, approved on the 16th day of February, 1838, as requires taxation for the support of said schools, be, and the same is hereby repealed; and that in lieu thereof, that all the destitute children in the State of Kentucky, and so many thereof as can be had to go to school, be educated out of the proceeds of the dividends which have been, and which may hereafter be received from the General Government, as now provided by said act, and the deficit, if any, to be paid out of the Public Treasury; and that the number (and not the names) of all such children, and the number that can be had for schooling, in each district, and report the same under said act; upon which the Legislature may make the proper appropriation for the education of so many of said children as can be had for that purpose; and that all who send their children to said schools, who are able, shall pay by tuition fees, and not by taxation, as now required by said act.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. L. B. Smith and Fox, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Coffey, | Harris, | Newell, |
| Cornish, | Heady, | Smith, L. B. |
| Dohoney, | McElroy, | Sprigg—9. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Morris, |
| Messrs. Allen, | Ellison, | Myers, |
| Anderson, A. | Field, | O'Bannon, |
| Andrews, | Finn, | Pope, |
| Apperson, | Fox, | Purdy, |
| Bailey, | Gano, | Redd, |
| Basye, | Goodson, | Riffe, |
| Bledsoe, | Gough, | Ritter, |
| Bodine, | Graham, | Rodes, |
| Bradley, | Gray, B. E. | Root, |
| Bradshaw, | Gray, N. E. | Royston, |
| Brooks, | Haggard, | Rudd, |
| Buford, | Hardy, | Shanklin, |
| Bullock, | Hopkins, | Sharpe, |
| Buckner, | Hughes, | Slaughter, |
| Burden, | Jasper, | Smith, I. |
| Butler, | Johnson, | Sutton, |
| Clay, | Latimer, | Taggart, |
| Coleman, | Lecompte, | Thomas, |
| Cofer, | McBrayer, | Thornburg, |
| Combs, | McClure, | Trimble, |
| Daviess, | McFall, | Walker, |
| Dorton, | Mims, | Wintersmith—69. |

The substitute proposed by the committee on Education, was then adopted.

*Ordered*, That said bill, as amended, be engrossed, and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

Executive Department,
*Frankfort, February* 22, 1839.

*Gentlemen of the Senate*
*and House of Reprsentatives:*

In compliance with the request of his Excellency, the Governor of New Jersey, made in obedience to a resolution of the Legislature of that State, I herewith transmit a copy of a series of joint resolutions, together with a report of the joint committee of the Council and General Assembly of the State of New Jersey respecting the public lands.

JAS. CLARK.

EXECUTIVE DEPARTMENT,
*Trenton, N. J. February* 8, 1839.

SIR:

I have the honor to transmit herewith a copy of resolutions, (with an accompanying report of a joint committee,) adopted by the Council and General Assembly of the State of New Jersey, respecting the public lands, and to request that they may be laid before the Legislature of the State over which you preside.

With high consideration,
your obedient serv't,
WM. PENNINGTON,
*Governor of N. Jersey.*

HIS EXCELLENCY
THE GOVERNOR OF KENTUCKY.

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*Report of the joint committee of the Council and General Assembly of the State of New Jersey on the Public Lands.*

The joint committee to whom were referred the resolutions of the Legislature of the State of Connecticut, relative to the public lands, have had the same under consideration, and respectfully submit the following report:

The subject of the public lands is one to which the attention of the people of New Jersey was early directed, and upon which their sentiments and feelings were very clearly and decidedly expressed. It is matter of history, that when the articles of confederation were under consideration in Congress, in 1777, the delegates from New Jersey endeavored, though without success, to procure the insertion of an article which would secure the "impatented or crown lands," as they were then called, for the common benefit of all the States. After these articles had been agreed upon and adopted by Congress, they were transmitted to the Legislatures of the several States, for their approbation and ratification. The Legislature of New Jersey, after several months of deliberation, on the 16th of June, 1778, declined to ratify them, and furnished to Congress, through their delegates, a statement of the reasons of their refusal; from which the following is an extract:

"The present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies, now the United States. It was ever the confident expectation of this State, that the benefits derived from a successful contest were to be general and proportionate; and that the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the confederation for empowering Congress to dispose of such property, *but especially the vacant and impatented lands, commonly called the crown lands*, for defraying the expenses of the war, and for such other public and general purposes. Reason and justice must decide that the property which existed in the crown of Great Britain previous to the present revolution, ought now to belong to the Congress, in trust for the

use and benefit of the United States. They have fought and bled for it in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distrbuted."

Failing to obtain the alteratio which they desired, and urged by the repeated and earnest solicitations of Congress, and the dangers and difficulties of the contest in which they were embarked, the Legislature, on the 14th day of November, 1778, with that self-sacrificing devotion to the common good, and that magnanimous zeal in the cause of liberty which marked their whole course, gave their assent to the articles of confederation. But they resolved to do so "notwithstanding we view with concern the unequal terms of the articles of confederation between the several States, and notwithstanding the objections lately stated and sent to Congress on the part of this State, are founded in justice and equity, and several of them of the most essential moment to the interest thereof; yet maturely considering the urgent necessity of acceeding to the confederacy;—that every separate and detached State interest ought to be postponed to the public good, and firmly relying that the candor and justice of the several States will, in due time, remove the inequality which now subsists." The Legislature of Delaware soon after followed the example of New Jersey, accompanying her ratification with a resolution declaring, that those lands ought in justice to become the common property of the Union. But Maryland still refused to waive her objections, or to give her assent, unless those lands were first surrendered as common property. In the hope of removing this obstacle to the completion of the confederacy, Congress, on the 6th of September, 1780, passed resolutions most earnestly calling upon the States within whose limits those lands lay, to cede them for the common benefit; and, on the 10th of October following, passed another resolution expressly declaring, "that the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress, of the 6th day of September last, *shall be disposed of for the common benefit of the United States.*"

This appeal by Congress was not made in vain. On the first of March, 1781, N. York ceded certain lands within her chartered limits "to and for the only use and benefit of such of the States as are or shall become parties to the articles of confederation." On the first of March, 1784, Virginia ceded all her territory lying northwest of the Ohio river, upon the condition, (among others) that it "shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." On the 19th of April, 1785, Massachusetts ceded a portion of her lands to the United States "to the uses mentioned in a resolve of Congress of the tenth day of October, 1780," (being the resolution above quoted;) and on the 14th of September, 1786, Connecticut also ceded part of her vacant lands "to the U. States, in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive." The cession made by South Carolina, on the 7th of August, 1787, is expressly declared to be "unto the United States, in Congress assembled, for the benefit of the said States;" and that made by North Carolina, on the 25th of February, 1790, provides that the lands thereby ceded

"shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." The last cession made by any of the States, was that made by Georgia, on the 24th of April, 1802, which provides that the lands thereby ceded "shall be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." Thus it will be seen, that "the candour and justice of the several States," upon which our fathers relied, did, "in due time, remove the inequality" of which they complained, and surrendered, for the general benefit, a property which the consequences of our revolutionary struggle have rendered of immense value. The whole of the residue of the public domain has been acquired by treaties, made in the name and behalf of the whole United States, and for their benefit. Louisiana, as is well known, was obtained at an expense of fifteen millions of dollars, which were paid out of the common treasury; and large amounts have from time to time been drawn from the same source for extinguishing the Indian titles.

From this brief view of the manner in which the public lands have been acquired, it is perfectly manifest that they are, upon every principle of law and justice, the common property of the whole Union. If there were any room for doubt, it would seem to be upon the question, whether, in strictness, they should not belong *exclusively* to the original thirteen States. It was wholly by their treasure, and toil, and blood, that a large portion of them was acquired; and at least plausible reasons might have been assigned for withholding a community of interest in them from the younger members of the Union, whom they admitted to a participation in the liberty they had achieved and the government they had formed. But such has never been the policy they have pursued. Their conduct towards the new States has been throughout marked by a liberality and generosity worthy of enlightened freemen. No jealous anxiety to preserve or increase their own power and importance, has ever led them to interpose the slightest obstacles to emigration; no contracted or parsimonious views of pecuniary profit have ever placed those lands above the reach of the poorest settler; nor have they ever refused a listening ear and a helping hand to the slightest request for aid or protection. They have regarded them, not as a man regards his enemy or his rival, but as he looks upon a favorite child, in whom he fondly hopes soon to find an equal in usefulness and honor. No one can examine the history of the conduct of the General Government to the new States, without the conviction that it has been more than just;—that it has been most liberally generous.

The first law for regulating the sale of those lands, passed May 20th, 1785, contains a provision setting apart one thirty sixth part for the maintenance of public schools, and the same provision has been continued to the present time. From a report made by the commissioner of the General Land Office to the House of Representatives, on the 28th of December, 1838, it appears that the quantity of public lands unsold within the limits of the several States and Territories is 229,711,075 acres; that 77,134,821 acres have been sold, and that 12,690,334 acres have been granted to those States and Territories for the support of Common Schools, for academies

and colleges, and for roads and canals and other public improvements. By the same report it further appears, that the sum of $3,967,357 has been granted and paid out of the proceeds of the sale of those lands for the construction of roads within, or leading to those States and Territories.

Of these things we do not complain; they were, no doubt, well and wisely done, and far be it from us to wish them undone. We rejoice to know that, under this liberal policy, portions of those "impatented and unappropriated crown lands" have in little more than half a century become free and independent States of the Union, and that still other portions, under the same fostering influence, are rapidly advancing to the same dignity. But we do complain, and we feel that we have a right to complain, that efforts are continually made, by means of graduation and pre-emption laws, to waste this public property, and, above all, the claims are made and countenanced too, that these public lands, thus acquired, ought of right to be the sole and exclusive property of the States in which they lie. That such a claim is utterly destitute of any foundation in justice or equity, is abundantly manifest from the brief sketch of the manner in which those lands were acquired, already given. It may be that political management or numerical strength will hereafter crown this monstrous pretension with success; but no effort of human ingenuity can ever impress upon it the semblance of justice or honesty, until the history of the past shall have been obliterated or forgotten. Of one thing we are confident—that Jerseymen can never so far disregard what they owe to the memory of their fathers, to themselves and to their posterity, as to give to it their assent. No State contributed to the achievement of our national independence and union a larger proportion of property, of suffering fortitude and daring heroism, and of life itself, than New Jersey; yet no State has reaped from it so little direct pecuniary advantage. While other States, more favored by nature or by circumstances, have shared largely the benefits arising from expenditures made by the General Government to promote the national defence and security, and to facilitate navigation and intercourse, scarcely a dollar has been expended for any of those purposes within her limits. Issuing from the toils and sufferings of our revolutionary struggle, exhausted in every thing but patriotism and honor, she has been left to provide her own common school fund, to build and endow her own academies and colleges, and to construct her own railroads and canals, by such ways and means as she could devise. She has looked to the public lands, in part acquired by her valor or purchased with her treasure, as a soucrce from which she might hereafter expect aid in educating her sons, in developing her natural resources, in facilitating the intercourse of her citizens, and in accomplishing other similar purposes, which constitute the true glory and wealth of a State. But an attempt, it would seem, is to be made to strip her, in piece-meal or in mass, of this property, to which she is entitled by every principle of law and justice. It may be that it will succeed; but it shall not be with her consent or without her remonstrance.

The committee therefore recommend the adoption of the following resolutions:—

CHARLES G. McCHESNEY, } *Com't. of Council.*
A. ARMSTRONG, }

WILLIAM STITES, }
MOSES RICHMAN, Jr., } *Committee of Assembly.*
G. P. MOLLESON, }

*January* 23, 1839.

## STATE OF NEW JERSEY.

JOINT RESOLUTIONS.

*Resolved by the Council and General Assembly of this State*, That the public lands, having been acquired by the common exertions and treasures of the United States, are, and of right ought to be, the common property of the whole Union.

*Resolved*, That the proceeds arising from the sale of those lands, if not required for the purposes of the General Government, ought to be proportionably distributed among the several States.

*Resolved*, That we regard the reduction of the prices of those lands, and the granting of pre-emption rights, as measures partial and unjust in their operation, and calculated to squander and waste the common property of the people of the United States for the benefit of a few.

*Resolved*, That, in the name and behalf of the people of the State of N. Jersey, we do most solemnly and earnesty protest against the cession of those lands, or of any part thereof, to the States in which they lie, as an act of palpable injustice and wrong, neither required or sanctioned by any public necessity or policy, and opposed to every principle of justice and equity.

*Resolved*, That the Senators and Representatives of New Jersey in the Congress of the United States will best conform to the wishes, and promote the interests of the people of this State, by acting in accordance with the foregoing resolutions.

*Resolved*, That the Governor be requested to forward copies of the foregoing resolutions and of the accompanying report to the Senators and Representatives in Congress from this State, with a request that the same be laid before their respective Houses, and also to the Governors of the several States of the Union, with a request to lay them before their respective Legislatures.

IN COUNCIL, *January* 31, 1839.

These joint resolutions having been three times read and compared in Council,

*Resolved*, That the same do pass.

By order of Council.

A. PARSONS, *Vice President of Council.*

HOUSE OF ASSEMBLY, *Feb.* 7, 1839.

These joint resolutions having been three times read and compared in the House of Assembly.

*Resolved* That the same do pass.

By order of the House of Assembly.

LEWIS CONDICT, *Speaker.*

STATE OF NEW JERSEY.

I, James D. Westcott, Secretary of State of New Jersey, do hereby certify, that the foregoing is a true copy of certain joint resolutions, passed by the Legislative Council and General Assembly of said State, on the seventh day of February, A. D. one thousand eight hundred and thirty nine, as taken from, and compared with the original, now on file in my office.

In Testimony Whereof, I have hereunto set my hand, and affixed my seal of office, at the city of Trenton, in said State, this eighth day of February, A. D. one thousand eight hundred and thirty nine. (1839.)

JAMES D. WESTCOTT.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of the Clerks of the Henderson, Barren, Simpson Logan and Union Circuit and County Courts.

An act for the divorce of Hugh Lane.

Approved Feb. 12, 1839.

An act to establish the town of Brooksville, in Bracken county.

Approved Feb. 16, 1839.

An act to incorporate the town of Port Royal.

An act to increase the powers of the Trustees of the town of Columbia.

An act to establish the town of Hillsborough, in Fleming county.

An act to establish an election precinct at S. R. Pace's store, in Barren county.

An act to extend the limits of the town of Bowlinggreen, in Warren county.

An act for the benefit of the Sheriff of Livingston county.

An act for the relief of the widow and heirs of Robert S. Samuel.

An act for the benefit of the infant heirs of Sam'l Pottinger, dec'd.

An act for the benefit of Thompson N. Stratton, late Sheriff of Lewis county.

An act to increase the capital stock in the Falmouth Bridge Company, and for other purposes.

An act to increase the pay of Patrollers in the counties of Fayette, Henderson and Breckinridge.

An act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county.

An act to incorporate the Trustees of the Republican School, in Bracken county.

An act for the benefit of the representatives of Rodolphus B. Greathouse, deceased.

An act for the benefit of the heirs of Harman A. Stidger, dec'd.

An act to provide for running the line between Marion and Washington counties.

An act for the divorce of Maria K. Vance.

An act in relation to certain election precincts in Lawrence and Hardin counties.

An act vesting the Trustees of the towns of Lebanon and Springfield with power to cause certain streets of said towns to be McAdamized or paved.

An act to enlarge the powers of the Trustees of the town of Brandenburg.

An act for the divorce of Eliza H. Bush.

An act for the divorce of John M. Emerson, jr.

An act for the benefit of John G. Scroggin, Surveyor of Bourbon county.

An act for the benefit of Thomas Sweeney.

An act for the benefit of the heirs of John Carey, dec'd.

An act for the benefit of Wm. Vice.

An act for the benefit of the Sheriff of Montgomery county.

An act to incorporate the towns of New Haven and Hodgenville.

An act for the benefit of the Sheriff of Jefferson county.

An act appointing Trustees of the Lebanon Academy, in Todd county.

An act to incorporate the Paris Fire, Life, and Marine Insurance Company. Approved Feb. 18, 1839.

An act to amend the several acts concerning the towns of Paris and Elizabethtown.

An act for the benefit of John Steele.

An act requiring a special County Court to be held in Shelby county, for the purpose of swearing in Deputy Sheriffs.

An act for the benefit of Fountain Cunningham.

An act to change the place of voting in the Scaffle Cane Precinct, in Rockcastle county.

An act to establish an election precinct in Christian county.

An act to abolish the election precinct at Peter Miller's, on Knob creek, in Bullitt county.

An act for the divorce of Rebecca Hutchinson.

An act for the benefit of Dawson Elliott, of Madison county.

An act for the benefit of the Clerks and Sheriffs of this Commonwealth.

An act for the benefit of Enoch Yantis.

An act incorporating the town of Wyoming, in the county of Bath.

An act for the benefit of George W. Williams.

An act for the benefit of James W. Finnie.

An act concerning the towns of Warsaw and Monticello.

An act to reduce into one, the several attachment laws, and for settling the proceedings on attachments against absconding debtors.

An act to change the time of holding the Harlan, Perry, Breathitt and Clay Circuit Courts.

An act for the benefit of John Myers.

An act to incorporate the Hickman Turnpike Company.

An act to amend an act, entitled, an act to incorporate the Jefferson Pond Draining Company, and Rough Creek Manufacturing Company.

An act for the benefit of William Gilpin and Frances Gilpin.

An act to incorporate the Newton Society of Bacon College.

An act authorizing the sale of real estate of Hiram Spurlocks, dec'd, and for other purposes.

An act to establish the Southern Bank of Kentucky.

An act for the benefit of the Clerks of this Commonwealth.

An act to allow an additional Justice of the Peace in Carroll county.

An act to allow an additional Justice of the Peace in the counties of Pendleton and Warren.

An act to extend the August term of the Anderson Circuit Court.

An act to change the name of Eloisa Rook to that of Eloisa Marshall.

An act changing the terms of the Fayette Circuit Court.

An act allowing an additional Justice of the Peace to the county of Mercer.

An act to continue in force an act for the benefit of the holders of headright certificates.

An act to regulate the 9th and 12th Judicial Districts.

An act to authorize the County Court of Woodford to convey to Trustees a portion of the Public Square in the town of Versailles.

An act to authorize the settlement of the accounts of Worden Pope, late Clerk of the Jefferson County and Circuit Courts.

An act for the benefit of the Sheriff of Floyd county.

An act to allow an additional Justice of the Peace for the county of Logan, and an additional Constable to Hopkins county.

An act for the benefit of Robert G. Lewis.

An act for the benefit of Joseph McDowell.

An act to authorize the election of Trustees of the town of Port Oliver, in the county of Allen.

An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Scottsville.

An act to provide for the appointment of Attorneys for this Commonwealth.

An act to allow additional Justices of the Peace and Constables to several counties.

An act for the benefit of the heirs and representatives of Joseph Walker, deceased.

An act for the benefit of James R. Wright, guardian of Eliza Jane Curle, legalizing the sale of a slave, made by him.

Approved Feb. 20, 1839.

An act authorizing the sale of the land and slaves descended to Mary McPheters.

An act for the divorce of Sarah McGinnis.

An act for the benefit of Sandy H. Aldridge.

An act to change the names of Elizabeth Harris's children.

An act for the divorce of Rhoda Lytle.

An act to incorporate the Trustees of the Mount Zion Methodist Episcopal Church, in Bracken county.

An act concerning the estate of Daniel Riley, dec'd.

An act for the benefit of certain subscribers to the Protestant Episcopal Church of Russellville.

An act for the benefit of Annie H. Blair, and the widow and heirs of Wm. C. Warfield.

An act for the benefit of the Sheriff of Livingston county.

An act to allow an additional Constable to the county of Monroe.

An act to change the time of holding the Muhlenburg Circuit Court.

An act to amend an act, entitled, an act to regulate equitable proceedings under five pounds, before Justices of the Peace.

An act to amend an act, entitled, an act to prevent further confliction in land claims, and to secure to seaters and improvers a preference of location to lands improved by them.

An act for the benefit of Thomas Croper, James Southard, and William Sugg.

Approved Feb. 21, 1839.

*Ordered*, That leave of absence, for the balance of the session, be granted Messrs. Newell, Brooks, Cornish, Cofer, S. H. Anderson and Bradshaw.

Mr. Pope, from the committee on Claims—reported a bill for the appropriation of money.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Said bill was referred to a committee of the whole.

The House then resolved itself into a committee of the whole, on the bill aforesaid—Mr. Field in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. Field reported that the committee had, according to order, had under consideration the bill aforesaid, and had made sundry amendments thereto, which he handed in at the Clerk's table.

The said amendments were then twice read, and concurred in, except that which gave to the Assistant Clerks of the Senate and House of Representatives seven dollars per day, instead of five.

And the question being taken on the adoption of that amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. O'Bannon and Brooks, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Combs, | Morehead, |
| Messrs. Allen, | Cornish, | Myers, |
| Anderson, S. H. | Daviess, | Pope, |
| Andrews, | Field, | Purdy, |
| Apperson, | Gano, | Rodes, |
| Bailey, | Goodson, | Shanklin, |
| Bledsoe, | Gray, B. E. | Sharpe, |
| Bradshaw, | Heady, | Slaughter, |
| Brooks, | Hopkins, | Smith, L. B. |
| Browder, | Johnson, | Sprigg, |
| Buford, | Latimer, | Thomas, |
| Bullock, | Lecompte, | Trimble, |
| Butler, | Marshall, | Trumbo, |
| Clay, | McBrayer, | White, |
| Coleman, | McFall, | Wintersmith, |
| Cofer, | Meriwether, | Yates—48. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Ballard, | Haggard, | Redd, |
| Bradley, | Hardy, | Riffe, |
| Burden, | Hughes, | Ritter, |
| Coffey, | Jasper, | Rowan, |
| Dohoney, | McClure, | Royston, |
| Dorton, | McElroy, | Sutton, |
| Ellison, | Mims, | Taggart, |
| Finn, | Newell, | Thornburg, |
| Fox, | O'Bannon, | Wade, |
| Graham, | Pirtle, | Walker—31. |
| Gray, N. E. | | |

*Ordered*, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing their disagreement to the amendments proposed by this House to a bill from the Senate, entitled, an act to amend an act to establish a system of common schools in the State of Kentucky.

And the passage of a bill from this House, entitled,

An act authorizing the condemnation of land for toll houses—with amendments.

And the passage of bills from the Senate, of the following titles, viz:

An act about Sheriffs' delinquent lists.

An act more effectually to protect the lives of citizens of this Commonwealth from being taken by persons carrying deadly weapons.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act to amend the charter of the Bardstown and Green river Railroad Company.

And had received official information that the Governor had approved and signed sundry enrolled bills which originated in the Senate of the following titles, viz:

An act for the benefit of Harrison Rankin, and wife, and children.

An act to amend the 7th section of an act to prevent the increase of vagrants, and other idle and disorderly persons, in this State.

An act for the benefit of the Clerks of Clinton, Adair and Cumberland counties.

An act to authorize a change of venue in the trial of John S. Lasley.

An act to incorporate the Maysville Lyceum.

An act to repeal so much of the 79th section of the militia law as requires the militia men to carry guns to muster.

An act for the benefit of Rebecca Evans.

An act for the benefit of Mary McBrayer and her children.

An act to amend the law concerning the action of trespass.

An act to amend an act, entitled, an act to authorize the citizens of the town of Columbus, in the county of Hickman, to elect their Trustees, and for other purposes—approved Feb. 9, 1837.

An act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16, 1838.

An act for the benefit of the estate of Franklin C. Averill.

An act for the benefit of Wm. Spratt, and others.

An act to appoint Trustees for the town of Summersville.

An act to amend an act, dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State by the Banks of this Commonwealth.

An act to change the time of holding the Green Circuit Court.

An act for the benefit of Anderson Dunn and Isaac Hemingway, and Wm. Ratliffe. Approved Feb. 14, 1839.

An act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act to reduce into one, the several acts in relation to the town of Frankfort, and for other purposes.

An act for the benefit of the estate of Guthrie Morris.

Approved Feb. 16, 1839.

An act to amend the charter of the town of Paducah.

An act to allow an additional Justice of the Peace and Constable for Washington county.

An act to regulate the mode of appointing Trustees to the Cumberland Hospital.

An act to regulate the town of Clay village.

An act to incorporate the town of Rumsey, and to amend the charter of the town of Caseyville, in Union county.

An act to incorporate the town of Louisa, in Lawrence county.

An act to incorporate the Kentucky and Louisville Mutual Insurance Company.

Approved Feb. 18, 1839.

An act authorizing the Clarke County Court to appoint a Treasurer.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Weeks, late Sheriff of Caldwell county.

An act for the benefit of the Sheriff of Caldwell county.

An act for the benefit of John M. Emerson, and his securities.

An act for the benefit of Austin S. Tyler, Sheriff of Hickman county.

An act for the benefit of the widow and heirs of Stephen Gilbert, dec'd.

An act to amend an act, entitled, an act to incorporate the Lebanon and Marion Turnpike Road Company, approved Feb. 17, 1836.

An act to close up the old road over Muldrow's Hill.

An act for the benefit of Tabitha Hix.

An act to amend an act to incorporate the Hopkinsville and Clarksville Turnpike Road Company.

An act to repeal in part, an act to change the bounds of the 7th Division of the Kentucky Militia, and for other purposes.

An act to increase the powers of the Trustees of the town of Barboursville.

An act for the benefit of Noah C. Summers, and others.

An act to authorize the Scott and Anderson County Courts to impose an additional county levy.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to regulate the administration and settlement of estates.

An act for the benefit of the late and present Sheriffs of Washington county.

An act to amend an act, entitled, an act supplemental to an act providing for the compensation of Jurors, approved Feb. 23, 1837.

An act to incorporate the Transylvania Institute, and for other purposes.

Approved Feb. 20, 1839.

Mr. Trumbo moved the following resolution, viz:

*Resolved*, That the Public Printer be directed to print five thousand copies of the List of Acts passed at the present session, with a brief statement of their prominent features, for the use of the people of this Commonwealth.

Which being twice read, was adopted.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to amend the act, entitled, an act for the benefit of the heirs of James Allen, dec'd.

An act to change the terms of the Circuit Courts in the Second Judicial District, and the terms of the Allen County Court.

With an amendment to the last.

The amendments proposed by the Senate to bills from this House, of the following titles, viz:

An act to authorize the condemnation of land for toll houses.

An act to change the terms of the Circuit Courts in the Second Judicial District, and the terms of the Allen County Court,

Were twice read, and concurred in.

Bills from the Senate, of the following titles, viz:

1. An act to repeal, in part, an act incorporating a Company to make a turnpike road through Lebanon, Greensburg and Glasgow.

2. An act to amend the charter of the Bardstown and Green river Turnpike Road Company.

3. An act more effectually to protect the lives of citizens of this Commonwealth from being taken by persons carrying deadly weapons,

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st and 2d bills having been dispensed with,

The 1st was referred to the committee on Internal Improvement, and the 2d was ordered to be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act about Sheriffs' delinquent lists,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The question was taken on ordering said bill to be read a third time, and decided in the negative.

And so the said bill was disagreed to.

A bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company—was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Thornburg and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Morris, |
| Messrs. Anderson, S. H. | Gough, | Myers, |
| Andrews, | Gray, B. E. | Newton, |
| Bailey, | Gray, N. E. | Pirtle, |
| Ballard, | Haggard, | Redd, |
| Basye, | Hardy, | Reeves, |
| Bledsoe, | Harris, | Ritter, |
| Bodine, | Hopkins, | Root, |
| Bradley, | Johnson, | Royston, |
| Browder, | Latimer, | Slaughter, |
| Bullock, | Lecompte, | Smith, I. |
| Clay, | Marshall, | Sprigg, |
| Cofer, | McBrayer, | Taggart, |
| Combs, | Meriwether, | Thomas, |
| Daviess, | Mims, | Trimble, |
| Edmonson, | Morehead, | Wintersmith—49. |
| Field, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Graham, | Riffe, |
| Buford, | Heady, | Rowan, |
| Burden, | Hughes, | Sharpe, |
| Coffey, | Jasper, | Smith, L. B. |
| Cornish, | McClure, | Sutton, |
| Dohoney, | McElroy, | Thornburg, |
| Dorton, | O'Bannon, | Wade, |
| Ellison, | Pope, | Walker, |
| Fox, | Purdy, | White—27. |

Mr. Morehead then moved to dispense with the second and third reading of said bill, and it was decided in the negative—it requiring a majority of four fifths of the members to dispense.

The yeas and nays being required thereon, by Messrs. Heady and Dorton, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Gough, | Newton, |
| Messrs. Anderson, S. H. | Gray, B. E. | O'Bannon, |
| Andrews, | Gray, N. E. | Pirtle, |
| Apperson, | Haggard, | Pope, |
| Bailey, | Hardy, | Redd, |
| Ballard, | Harris, | Ritter, |

| | | |
|---|---|---|
| Basye, | Hopkins, | Root, |
| Bledsoe, | Johnson, | Sharpe, |
| Bodine, | Latimer, | Slaughter, |
| Bradley, | Lecompte, | Smith, I. |
| Browder, | Marshall, | Sprigg, |
| Bullock, | McBrayer, | Taggart, |
| Clay, | McFall, | Thomas, |
| Cofer, | Meriwether, | Trimble, |
| Combs, | Mims, | White, |
| Edmonson, | Morehead, | Wintersmith, |
| Field, | Morris, | Yates—53. |
| Goodson, | Myers, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Anderson, A. | Fox, | Riffe, |
| Buford, | Graham, | Rowan, |
| Burden, | Heady, | Royston, |
| Coffey, | Hughes, | Smith, L. B. |
| Cornish, | Jasper, | Sutton, |
| Daviess, | McClure, | Thornburg, |
| Dohoney, | McElroy, | Wade, |
| Dorton, | Purdy, | Walker—25. |
| Ellison, | | |

The amendment proposed by this House to a bill from the Senate, entitled, an act to amend an act to establish a system of common schools in the State of Kentucky, and to which the Senate had disagreed, reads as follows, viz:

*Be it further enacted*, That so much of the act, entitled, an act to establish a system of common schools in the State of Kentucky, as allows the Superintendent of the Board of Education a salary of one thousand dollars, be and the same is hereby repealed.

The question was then taken on this House receding from said amendment, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and O'Bannon, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Messrs. Anderson, S. H. | Goodson, | Myers, |
| Andrews, | Gough, | Sharpe, |
| Apperson, | Gray, N. E. | Slaughter, |
| Bledsoe, | Harris, | Smith, I. |
| Browder, | Hopkins, | Thomas, |
| Clay, | Latimer, | Trimble, |
| Cofer, | Lecompte, | Walker, |
| Field, | Morehead, | White—24. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Ellison, | O'Bannon, |
| Messrs. Anderson, A. | Finn, | Pirtle, |
| Bailey, | Graham, | Pope, |
| Ballard, | Gray, B. E. | Purdy, |
| Bodine, | Haggard, | Redd, |
| Bradley, | Hardy, | Ritter, |
| Buford, | Heady, | Rowan, |
| Bullock, | Hughes, | Royston, |
| Burden, | Jasper, | Smith, L. B. |
| Coleman, | Johnson, | Sprigg, |
| Coffey, | McBrayer, | Sutton, |
| Daviess, | McClure, | Taggart, |
| Dohoney, | McElroy, | Wade, |
| Dorton, | Mims, | Yates—42. |

*Ordered*, That a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, on the disagreement of the two Houses in relation to the amendment to said bill.

Whereupon, Messrs. Sprigg, Johnson and S. H. Anderson were appointed said committee.

A message was received from the Senate, announcing that they recede from their disagreement to the fifth amendment proposed by this House to a bill from the Senate, entitled, an act establishing the office of Second Auditor, and for other purposes.

And their concurrence in the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act to amend the law incorporating the town of Bardstown.

An act for the completion of the Franklin portion of the Crab Orchard Turnpike.

An act for the benefit of John Boggess, and his securities.

And the passage of bills from this House, of the following titles, viz:

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

An act to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to establish a State road from the town of Paducah to the State line, in a direction of Paris.

An act to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund, in Wayne county.

An act to amend the charter of the City of Covington.

An act for the benefit of M. J. W. Ambrose, and wife.

An act for the divorce of Polly Hurt.

An act for the divorce of Nancy Lyon.

An act to amend an act, entitled, an act to incorporate the Adairsville, Russellville and Muddy river Transporting Company.

An act to incorporate a Company to construct a turnpike road from the mouth of Salt river to Smithland.

An act to incorporate the Munfordsville Polemic and Literary Society.

An act for the benefit of John Jarman.

And resolutions on the subject of the culture of silk, &c., in the State of Kentucky.

Mr. Buford moved a re-consideration of the vote refusing to dispense with the second and third readings of the bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, and it was decided in the affirmative.

The question was then taken on dispensing with the second and third readings of said bill, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Heady and White, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Newton, |
| Messrs. Anderson, A. | Gray, B. E. | Pirtle, |
| Andrews, | Gray, N. E. | Pope, |
| Bailey, | Haggard, | Redd, |
| Ballard, | Hardy, | Ritter, |
| Bledsoe, | Harris, | Root, |
| Bradley, | Hopkins, | Sharpe, |
| Browder, | Jasper, | Slaughter, |
| Buford, | Johnson, | Smith, I. |
| Bullock, | Lecompte, | Sprigg, |
| Clay, | McBrayer, | Taggart, |
| Coleman, | McFall, | Thomas, |
| Cofer, | Meriwether, | Trimble, |
| Combs, | Mims, | Walker, |
| Daviess, | Morehead, | White, |
| Edmonson, | Myers, | Wintersmith—49. |
| Field, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Apperson, | Graham, | Rowan, |
| Burden, | Heady, | Royston, |
| Coffey, | Hughes, | Smith, L. B. |
| Dohoney, | McClure, | Sutton, |
| Dorton, | McElroy, | Wade, |
| Ellison, | O'Bannon, | Yates—20. |
| Finn, | Purdy, | |

Mr. Hardy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in the Ruddle's Mill Precinct, in Bourbon county.

An act to amend the act, entitled, an act for the benefit of the heirs of James Allen, dec'd.

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

An act for the benefit of the Orphans of Louisville.

And bills which originated in the Senate, of the following titles, viz:

An act establishing the office of Second Auditor, and for other purposes.

An act for the benefit of John Boggess, and his securities.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred bills from the Senate of the following titles, viz:

1. An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester Turnpike Road Company.

2. An act to incorporate the Jefferson Turnpike Company.

3. An act to provide the mode of compensating the owners of mills injured by slackwater navigation.

Reported the 1st and 3d without, and the 2d with an amendment, which was concurred in.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the Louisville and Mississippi Railroad Company—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Sprigg and L. B. Smith, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Pirtle, |
| Messrs. Anderson, A. | Gray, B. E. | Pope, |
| Anderson, S. H. | Gray, N. E. | Purdy, |
| Andrews, | Haggard, | Root, |
| Apperson, | Harris, | Rowan, |
| Bailey, | Heady, | Sharpe, |
| Ballard, | Hopkins, | Smith, I. |
| Bledsoe, | Jasper, | Smith, L. B. |
| Bradley, | Johnson, | Sprigg, |
| Browder, | McElroy, | Taggart, |
| Bullock, | McFall, | Thomas, |
| Clay, | Mims, | Trimble, |
| Coleman, | Morehead, | Walker, |
| Daviess, | Morris, | Wintersmith, |
| Field, | Myers, | Yates—45. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Coffey, | Lecompte, | Ritter, |
| Dohoney, | McBrayer, | Royston, |
| Dorton, | McClure, | Sutton, |
| Ellison, | O'Bannon, | Thornburg, |
| Finn, | Redd, | Wade, |
| Graham, | Riffe, | White—19. |
| Hughes, | | |

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Wm. Smith.

An act for the appropriation of money.

With amendments to the last named bill.

And the passage of a bill from the Senate, entitled,

An act providing adequate pay to witnesses summoned to appear before the committee on Internal Improvement, during the present session of the Legislature.

Mr. Johnson, from the committee of conference appointed on the part of this House, in relation to the disagreement between the two Houses, on the amendment proposed by this House to a bill from the Senate, entitled, an act to amend an act to establish a system of common schools in the State of Kentucky, moved the following resolution, viz:

*Resolved*, That this House recede from their said amendment.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Walker, were as follows, viz:

Mr. Hardy, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in the Ruddle's Mill Precinct, in Bourbon county.

An act to amend the act, entitled, an act for the benefit of the heirs of James Allen, dec'd.

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

An act for the benefit of the Orphans of Louisville.

And bills which originated in the Senate, of the following titles, viz:

An act establishing the office of Second Auditor, and for other purposes.

An act for the benefit of John Boggess, and his securities.

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

Mr. S. H. Anderson, from the committee on Internal Improvement, to whom was referred bills from the Senate of the following titles, viz:

1. An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester Turnpike Road Company.

2. An act to incorporate the Jefferson Turnpike Company.

3. An act to provide the mode of compensating the owners of mills injured by slackwater navigation.

Reported the 1st and 3d without, and the 2d with an amendment, which was concurred in.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with,

*Resolved*, That the said bills do pass, and the titles thereof be as aforesaid.

Mr. S. H. Anderson, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the Louisville and Mississippi Railroad Company—reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Sprigg and L. B. Smith, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Goodson, | Pirtle, |
| Messrs. Anderson, A. | Gray, B. E. | Pope, |
| Anderson, S. H. | Gray, N. E. | Purdy, |
| Andrews, | Haggard, | Root, |
| Apperson, | Harris, | Rowan, |
| Bailey, | Heady, | Sharpe, |
| Ballard, | Hopkins, | Smith, I. |
| Bledsoe, | Jasper, | Smith, L. B. |
| Bradley, | Johnson, | Sprigg, |
| Browder, | McElroy, | Taggart, |
| Bullock, | McFall, | Thomas, |
| Clay, | Mims, | Trimble, |
| Coleman, | Morehead, | Walker, |
| Daviess, | Morris, | Wintersmith, |
| Field, | Myers, | Yates—45. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Coffey, | Lecompte, | Ritter, |
| Dohoney, | McBrayer, | Royston, |
| Dorton, | McClure, | Sutton, |
| Ellison, | O'Bannon, | Thornburg, |
| Finn, | Redd, | Wade, |
| Graham, | Riffe, | White—19. |
| Hughes, | | |

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of Wm. Smith.

An act for the appropriation of money.

With amendments to the last named bill.

And the passage of a bill from the Senate, entitled,

An act providing adequate pay to witnesses summoned to appear before the committee on Internal Improvement, during the present session of the Legislature.

Mr. Johnson, from the committee of conference appointed on the part of this House, in relation to the disagreement between the two Houses, on the amendment proposed by this House to a bill from the Senate, entitled, an act to amend an act to establish a system of common schools in the State of Kentucky, moved the following resolution, viz:

*Resolved*, That this House recede from their said amendment.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Walker, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Graham, | Pirtle, |
| Messrs. Anderson, A. | Gray, B. E. | Pope, |
| Anderson, S. H. | Gray, N. E. | Reeves, |
| Andrews, | Haggard, | Riffe, |
| Apperson, | Hopkins, | Ritter, |
| Bailey, | Hughes, | Root, |
| Ballard, | Jasper, | Rowan, |
| Bledsoe, | Johnson, | Royston, |
| Bradley, | Latimer, | Sharpe, |
| Browder, | Lecompte, | Smith, I. |
| Bullock, | McBrayer, | Smith, L. B. |
| Burden, | McClung, | Taggart, |
| Clay, | McFall, | Thomas, |
| Coleman, | Meriwether, | Trimble, |
| Cornish, | Mims, | Walker, |
| Dorton, | Morehead, | White, |
| Field, | Morris, | Wintersmith—53. |
| Goodson, | Myers, | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Coffey, | Heady, | Sutton, |
| Dohoney, | McClure, | Thornburg, |
| Ellison, | McElroy, | Wade, |
| Finn, | Sprigg, | Yates—12. |

The amendments proposed by the Senate to a bill from this House, entitled, an act for the appropriation of money,

Were taken up, twice read, and concurred in.

On motion of Mr. White,

*Resolved*, That this House will meet to-morrow, at 8 o'clock, A. M.

And then the House adjourned.

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## SATURDAY, FEBRUARY 23, 1839.

Mr. O'Bannon, from the committee on Military Affairs, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of John B. Whitford, and his securities.

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy,

Reported the same without amendment.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of the Sheriff of Campbell county.

An act increasing the allowance to the jailer of McCracken county, for keeping runaway slaves.

An act for the benefit of the Clerk of the city Court of Louisville.

An act providing further duties to the Commissioners of the Revenue,

Reported the three first without, and the latter with an amendment, which was concurred in.

*Ordered*, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to a bill from the Senate, entitled,

An act to incorporate the Jefferson Turnpike Company.

And the passage of bills from this House, of the following titles, viz:

An act to establish a State road from the town of Hickman, in Hickman county, to Feliciana, in Graves county.

An act to establish a road from Harrodsburg, in Mercer county, to Dulaney's old road, in Anderson county.

An act for the benefit of Robert Arberry.

An act to amend the act to establish a system of Common Schools in the State of Kentucky, approved Feb. 16, 1838.

With amendments to the last named bill.

And their disagreement to a bill from this House, entitled,

An act making an appropriation to build a bridge across Russell's creek, in Adair county, and for other purposes.

And the passage of resolutions from this House, for a survey of the route of a railroad, from Lexington to the mouth of Big Sandy—with an amendment.

And the passage of a bill from the Senate, entitled,

An act to incorporate the Princeton and Ohio Turnpike Road Company.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of Thomas Smith, of Lexington—reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. Meriwether, from the same committee, to whom was referred a bill from the Senate, entitled, an act to enforce an uniform valuation of taxable property—reported the same without amendment.

Mr. Lecompte moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Dohoney and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Field, | Mims, |
| Messrs. Ballard, | Finn, | Newton, |
| Bradley, | Fox, | Pope, |
| Browder, | Gough, | Purdy, |
| Bullock, | Gray, N. E. | Redd, |
| Burden, | Heady, | Riffe, |
| Butler, | Hopkins, | Rowan, |
| Clay, | Hughes, | Smith, I. |
| Coffey, | Johnson, | Smith, L. B. |
| Daviess, | Lecompte, | Sutton, |
| Dohoney, | McBrayer, | Taggart, |
| Edmonson, | McElroy, | Wade, |
| Ellison, | Meriwether, | Yates—39. |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Andrews, | Haggard, | Sharpe, |
| Apperson, | Harris, | Slaughter, |
| Bailey, | Jasper, | Sprigg, |
| Basye, | Latimer, | Swope, |
| Bledsoe, | McClung, | Thomas, |
| Bodine, | Morehead, | Thornburg, |
| Buford, | Morris, | Todd, |
| Buckner, | O'Bannon, | Trimble, |
| Coleman, | Pirtle, | Walker, |
| Combs, | Ritter, | White, |
| Goodson, | Root, | Wintersmith—35. |
| Graham, | Royston, | |

A bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Railroad Company—was read the second time.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Coffey and Dohoney, were as follows, viz:

Those who voted in the affirmative, were—

| | | |
|---|---|---|
| Mr. Speaker, | Edmonson, | Mims, |
| Messrs. Andrews, | Field, | Morehead, |
| Bailey, | Gough, | Morris, |
| Ballard, | Gray, N. E. | Newton, |
| Basye, | Haggard, | Pirtle, |
| Bledsoe, | Heady, | Purdy, |
| Bodine, | Hopkins, | Ritter, |
| Bradley, | Johnson, | Smith, I. |
| Browder, | Latimer, | Sprigg, |
| Bullock, | Lecompte, | Taggart, |
| Butler, | McBrayer, | Todd, |
| Clay, | McClung, | Trimble, |
| Coleman, | McFall, | Walker, |
| Combs, | Meriwether, | Wintersmith—43. |
| Daviess, | | |

Those who voted in the negative, were—

| | | |
|---|---|---|
| Messrs. Apperson, | Harris, | Sharpe, |
| Buford, | Hughes, | Smith, L. B. |
| Buckner, | Jasper, | Sutton, |
| Burden, | McClure, | Swope, |
| Coffey, | McElroy, | Thomas, |
| Dohoney, | O'Bannon, | Thornburg, |
| Ellison, | Redd, | Wade, |
| Finn, | Rowan, | White, |
| Goodson, | Royston, | Yates—28. |
| Graham, | | |

Mr. Hardy, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from this House, of the following titles, and had found the same truly enrolled, viz:

An act to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

An act granting a change of venue in the prosecution against James Lynn, jr.

An act for the benefit of B. H. Flowers, of Russell county, and William Gates, of Monroe county.

An act to provide for the purchase of certain books for the use of this State.

An act to incorporate the Bowlinggreen Fire, Life and Marine Insurance Company.

An act for the benefit of Ambrose Wickersham.

An act to incorporate a Company to construct a turnpike road from the mouth of Salt river to Smithland.

An act to incorporate the Munfordsville Polemic and Literary Society.

An act to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to authorize the establishment of roads to Coal and Iron Banks.

An act to amend the charter of the City of Covington.

An act for the benefit of John Jarman.

An act for the benefit of M. J. W. Ambrose, and wife.

An act to change the terms of the Circuit Courts in the Second Judicial District, and the terms of the Allen County Court.

An act for the divorce of Nancy Lyon.

An act authorizing the condemnation of land for toll houses.

An act for the appropriation of money.

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act for the benefit of the mechanics of Brandenburg.

And resolutions upon the subject of the culture of silk, &c., in the State of Kentucky.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act to incorporate the Louisville and Mississippi Railroad Company.

An act to amend an act to establish a system of Common Schools in the State of Kentucky.

An act to incorporate the Jefferson Turnpike Company.

An act to amend the law incorporating the town of Bardstown.

An act for the completion of the Franklin portion of the Crab Orchard Turnpike.

An act to amend the charter of the Bardstown and Green river Turnpike Road Company.

An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester Turnpike Road.

An act for the benefit of John B. Whitford, and his securities.

An act increasing the allowance to the Jailor of McCracken county, for keeping runaway slaves.

An act for the benefit of the Sheriff of Campbell county.

An act for the benefit of the Clerk of the City Court of Louisville.

An act for the benefit of the Lexington and Ohio Railroad Company.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

The amendments proposed by the Senate, to a bill and resolutions from this House, of the following titles, viz:

An act to amend the act to establish a system of common schools in the State of Kentucky, approved 6th February, 1838.

And resolutions for the survey of the route of a railroad from Lexington to the mouth of Big Sandy,

Were taken up, twice read, and concurred in.

A bill from the Senate, entitled, an act providing adequate pay to witnesses summoned to appear before the committee on Internal Improvement during the present session of the Legislature,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

Mr. Andrews, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of Otho Wilson —reported the same without amendment.

*Ordered*, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing their disagreement to the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act prescribing further duties to the Commissioners of the Revenue.

An act changing the terms of the Court of Appeals, and for other purposes.

Mr. Apperson read and laid on the table, the following joint resolutions, viz:

Whereas, the Legislature of the State of Indiana, regardful of the rights of her sister States of the South, have, by a vote of 87 to 1 in the House of Representatives, and 40 to 1 in the Senate, "Resolved, that any interference in the domestic institutions of the slaveholding States of the Union, (without their consent,) either by Congress or the State Legislatures, is contrary to the compact by which those States became members of the Union; and that any such interference is highly reprehensible, unpatriotic, and injurious to the peace and stability of the union of the States:" Therefore, be it

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That the sentiments expressed in the said resolutions of Indiana, are such as to call forth the most decided and unqualified approbation of this House, and are such as might have been expected from our enlightened, liberal, and patriotic sister State.

2. That this House reciprocate the sentiment expressed by said Legislature on the subject of slavery, and will, at all times, maintain the principles of the Constitution, referred to in said resolutions.

3. That the promptitude with which the Executive of the State of Indiana has acted, in forwarding said resolutions to the Executive of this State, merits the commendation of this House.

4. That a copy of these resolutions be forwarded by the Governor of this State, to the Governor of the State of Indiana, with a request that they be laid before the Legislature of said State.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with, the said resolutions were *unanimously* adopted.

The Speaker and Clerk having retired, Mr. Andrews moved the following resolutions, viz:

*Resolved*, That the thanks of this House be, and they are herewith tendered to Robert P. Letcher, Esq., for the able, impartial, and dignified manner in which he has discharged the duties of Speaker, during this session.

2. *Resolved*, That the thanks of the House of Representatives be, and they are hereby tendered to their Clerk, Thomas J. Helm, Esq., for the clear and orderly arrangement of his business, during the session, and the faithful steadiness and ability with which he has discharged all the duties of his arduous office.

Which being twice read, were unanimously adopted.

A message was received from the Senate, announcing their concurrence in the resolutions from this House, in relation to the communications from the State of Indiana, upon the subject of slavery—with amendments.

The said amendments were then twice read, and concurred in.

Mr. Hardy, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from this House, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Covington Social Library.

An act to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund in Wayne county.

An act for the divorce of Polly Hurt.

An act for the benefit of Wm. Smith.

An act making an appropriation to the Anderson County Seminary.

An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

An act to establish a road from Harrodsburg, in Mercer county, to Dulaney's old road, in Anderson county.

An act to establish a State road from the town of Hickman, in Hickman county, to Feliciana, in Graves county.

An act to establish a State road from the town of Paducah, to the State line, in a direction of Paris.

An act to amend an act, entitled, an act to incorporate the Adairsville, Russellville and Muddy river Transporting Company.

An act for the benefit of Robert Arberry.

An act to amend an act to establish a system of common schools in the State of Kentucky, approved Feb. 16, 1838.

Resolutions in relation to the communication from the State of Indiana, upon the subject of slavery.

Resolutions for the survey of a route of a railroad from Lexington to the mouth of Big Sandy.

And bills from the Senate, of the following titles, viz:

An act for the benefit of Otho Wilson.

An act for the relief of the securities of Wesley M. Garnett, dec'd, and Henderson Murphy.

An act providing adequate pay to witnesses summoned to appear before the committee on Internal Improvement, during the present session of the Legislature.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hardy inform the Senate thereof.

A message was received from the Governor, by Mr. Bullock, Secretary of State, announcing that he had approved and signed sundry enrolled bills and resolutions, which originated in this House, of the following titles, viz:

An act to incorporate the Munfordsville Bridge Company.

An act for the benefit of the heirs of Reuben Sullinger, deceased.

An act allowing additional Justices of the Peace to several counties, and for other purposes.

An act further to provide for the Internal Improvement of the State.

An act in relation to the Frankfort and Paris Fire Companies.

An act for the divorce of Matilda Jones.

An act to abolish certain streets, and parts of streets, in the town of Canton, in Trigg county.

An act for the divorce of Nancy T. Sanders.

An act for the divorce of Polly T. Ellison.

An act to legalize certain proceedings of the Morgan County Court.

An act for the benefit of Rector Gore, and others.

An act to amend an act, entitled, an act to increase the resources of the Sinking Fund.

An act to amend an act, entitled, an act to amend and reduce into one the several acts for the inspection of tobacco, approved February 10, 1798.

An act for the benefit of Stephen R. Chenoweth, jailer of Jefferson county, and Henry Payne, jailer of Union county.

An act for the benefit of the Sheriffs of Gallatin and Clarke counties.

An act for the benefit of the infant heirs of Edward Hord, dec'd.

An act to add a part of Pulaski to Russell county.

Approved Feb. 22, 1839.

An act to amend an act, entitled, an act for the benefit of the heirs of James Allen, deceased.

An act to change the place of voting in the Ruddell's Mill precinct, in Bourbon county.

An act for the benefit of the orphans of Louisville.

An act to authorize the County Court of Ohio county to take stock in the Hartford Bridge Company.

An act providing for the purchase of certain books for the use of this State.

Approved Feb. 23, 1839.

An act for the benefit of B. H. Flowers, of Russell county, and William Gates, of Monroe county.

An act granting a change of venue in the prosecution against Jas Lynn, jr.

An act to authorize the entry of vacant fractions of land west of the Tennessee river, and for other purposes.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

An act to incorporate the Bowlinggreen Life, Fire, and Marine Insurance Company.

An act for the benefit of Ambrose Wickersham.

An act for the appropriation of money.

An act to incorporate a Company to construct a turnpike road from the mouth of Salt river to Smithland.

An act authorizing the condemnation of land for toll houses.

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act for the benefit of the mechanics of Brandenburg.

An act for the benefit of M. J. W. Ambrose, and wife.

An act making an appropriation to the Anderson County Seminary.

An act for the divorce of Nancy Lyon.

An act to change the terms of the Courts in the Second Judicial District, and the terms of the Allen County Court.

An act to incorporate the Covington Social Library.

An act for the benefit of John Jarman.

An act to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund in Wayne county.

An act to authorize the establishment of roads to Coal and Iron banks.

An act for the divorce of Polly Hurt.

An act for the benefit of Wm. Smith.

An act to amend the charter of the City of Covington.

An act to open a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act to amend the several acts establishing a road from Taylorsville to Jeffersontown.

An act for the benefit of Robert Arberry.

An act to amend the act to establish a system of Common Schools in the State of Kentucky, approved Feb. 16, 1838.

An act to establish a State road from the town of Hickman, in Hickman county, to Feliciana, in Graves county.

An act to establish a State road from Harrodsburg, in Mercer county, to Delaney's old road, in Anderson county.

An act to amend an act, entitled, an act to incorporate the Adairsville, Russellville and Muddy river Transporting Company.

An act to establish a State road from the town of Paducah to the State line, in a direction to Paris.

An act incorporate the Munfordsville Polemic and Literary Society.

Resolutions in relation to the communications from the State of Indiana, upon the subject of slavery.

Resolutions for a survey of the route of a railroad from Lexington to the mouth of Big Sandy.

Resolutions upon the subject of the culture of silk, &c., in the State of Kentucky. Approved Feb. 23, 1839.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed bills which originated in that House of the following titles, viz:

An act for the benefit of James Doyle and his legal representatives.

An act for the benefit of the trustees of the Glasgow Academy.

An act to incorporate the Lebanon Lyceum.

An act further regulating the duties of the Commissioners of the revenue.

An act declaring the tributaries of Licking and other rivers navigable.

An act to authorize the construction of a road from the bridge on the Rolling Fork of Salt river, to New Market.

An act to amend the charter of the Maysville Insurance Company.

An act to provide for writing out the certificates and recording certain deeds in the Clerk's office of the Hickman County Court.

An act for the appropriation of the fines in the city of Lexington, and for other purposes.

An act for the benefit of William N. Taul's representatives.

An act to amend the several laws in force for the town of Lebanon.

An act to incorporate the Town of Locust Port, in Union county.

An act to authorize the running and re-marking the line between Green and Adair counties.

An act to change the place of voting in Bailey's precinct, in Shelby county. Approved February 22, 1839.

An act to establish the Office of Second Auditor, and for other purposes.

An act for the benefit of John Boggess and his securities, and James G. Hardy. Approved February 23, 1839.

An act to incorporate the Louisville and Mississippi Railroad Company.

An act to incorporate the Jefferson Turnpike Company.

An act to amend an act to establish a system of Common Schools in the State of Kentucky.

An act to amend the charter of the Newport, Falmouth, Cynthiana, Paris and Winchester turnpike road.

An act to amend the charter of the Bardstown and Green River Turnpike Road Company.

An act for the completion of the Franklin portion of the Crab Orchard turnpike, and to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company.

An act to amend the law incorporating the town of Bardstown.

An act providing adequate pay to witnesses summoned to appear before the committee of Internal Improvement during the present session of the Legislature.

An act for the benefit of the Sheriff of Campbell county.

An act for the benefit of the Clerk of the city Court of Louisville.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act for the benefit of John B. Whitford, and his securities.

An act increasing the allowance to the Jailor of McCracken county, for keeping runaway slaves.

An act for the benefit of Otho Wilson.

An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.

Approved Feb. 23, 1839.

A message was received from the Senate, by Mr. Beatty, announcing that they had closed their legislative business, and were now ready to close the present session of the General Assembly, by an adjournment, on their part, without day; and had appointed a committee to act in conjunction with a committee on the part of this House, to wait on the Governor, and inform him of the proposed adjournment of the General Assembly, and to know if he had any further communications to make.

Whereupon, Messrs. Meriwether, Morehead and Andrews, were appointed a committee on the part of this House.

*Ordered*, That Mr. Meriwether inform the Senate thereof.

The committee then retired, and in a short time returned; when Mr.

Meriwether, from said committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor, that having, from time to time, during the present session, communicated his views to the General Assembly, he had now no further communications to make; but that he desired each member might arrive safely at home, in the bosom of their families.

Whereupon, the Speaker, having delivered a congratulatory and valedictory address, adjourned the House *sine die*.

# APPENDIX

TO THE

# HOUSE OF REPRESENTATIVES' JOURNAL.

# APPENDIX

TO THE

# JOURNAL OF THE H. REPRESENTATIVES.

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## DOCUMENTS

ACCOMPANYING THE GOVERNOR'S ANNUAL MESSAGE.

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## GEORGIA.

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EXECUTIVE DEPARTMENT, GEORGIA,
*Milledgeville*, 21*st August*, 1838.

SIR—In compliance with the request of the Legislature of this State, I transmit to you the copy of resolutions passed at its last session, upon the subject of the refusal of the Executive of the State of Maine to deliver up to the Executive authority of Georgia certain fugitives from its justice; which you are respectfully requested to communicate to the Legislature of your State at its next session.

Very respectfully, yours, &c.

GEORGE R. GILMER.

To His Excellency JAMES CLARK, *Governor of Kentucky.*

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## HOUSE OF REPRESENTATIVES.

The joint committee, on the state of the Republic, to whom was referred so much of the Governor's message as relates to his correspondence with the Governor of Maine, which correspondence was occasioned by the secret and felonious abduction from the city of Savannah of a negro slave named Atticus, the property of James and Henry Sagurs, by Daniel Philbrook and Edward Kelleran, citizens of the State of Maine, and fugitives from justice, together with the accompanying documents, (to wit,) the affidavit of James Sagurs, one of the owners of said slave, the warrant of the magistrate, and the return of the officer thereon, the consequent demand of the Executive of Georgia upon the Executive of Maine, for the delivery of said fugi-

tives to the agent of the State of Georgia, in order that they might be made ameanable to the violated laws of the State, and the refusal of the Governor of Maine to comply with said demand,

REPORT:

That said committee have fully reviewed all the circumstances attending said demand and refusal; that in the opinion of said committee, the Governor of Maine has signally failed to show any good and sufficient cause to justify him in refusing to comply with the just and reasonable demand of the Executive of Georgia—but that, on the contrary, the reply of the Governor of Georgia to the letter of refusal of the Governor of Maine, contains arguments, unanswerable arguments, which should at once have caused that officer, if at all disposed to comply with the requisitions of the Constitution of the United States, by performing the sacred duties which it imposed upon him, or to preserve that courtesy which should ever subsist between the sister States of this Union, upon any and every subject, however trifling it might be in its nature, but more particularly upon questions of such grave import as the one now under consideration, to have caused said fugitives to be arrested, and the necessary notice of such arrest given to the Governor of Georgia, so that they might be made to answer the charges preferred against them—and, if innocent, to vindicate their innocence—if guilty, to endure the just punishment of their crimes.

The refusal of Governor Dunlap, occurring at a period when the minds of the people of the South are justly excited, and their feelings most wantonly outraged, by the machinations of certain fanatics of the North, who seem determined, in defiance of sound policy and the dictates of honest patriotism, and of every principle of natural and constitutional law, to keep up an excitement in relation to a certain species of property, with which no interference from any quarter whatsoever will be permitted—a property guaranteed to them by the Constitution of the United States, and without which guaranty, this Union never would have been formed, appears, in the opinion of your committee, if not like a disposition on the part of the Governor of Maine, to foster and encourage said fanatics in their unholy crusade against Southern rights, and which, if persisted in, must inevitably lead to a speedy dissolution of the Union, at least like an inclination to wink at their proceedings by screening their miserable agents, who alone carry their doctrines into practical effect, by wanton depredations upon our property, from the justice of our laws.

The reasoning of his Excellency of Maine, in his letter of refusal to the demand of the Governor of Georgia, is, in the opinion of your committee, entirely fallacious, and evasive of the true question at issue. The affidavit of the owner of the stolen slave, directly charges, that the fugitives did, "on or about the fourth day of May, eighteen hundred and thirty seven, *feloniously inveigle, steal, take and carry away*, a negro slave; with having, after the commission of said felony, *fled from the State;* and that they were believed at the time to be within the limits of the State of Maine." Is it for one moment to be presumed that the Governor of the State of Maine was not aware that larceny is made, by the laws of every State in the Union, felony; unless, indeed, it may not so be by those of Maine? That State, indeed, may have, in tender mercy to thieves and incendiaries, declared it otherwise; but this your committee does not and cannot believe. Whether

however felony or not, by the laws of Maine, is it not a crime? It is so declared by the Penal Code of the State of Georgia, which fact was communicated to the Governor of Maine, by the Governor of Georgia. Has, then, the Governor of Maine done that which not only common courtesy, but justice, policy, patriotism, and imperative duty required him to perform? Has he complied with the stern requisitions of the Constitution of the United States, which he was sworn to support and defend? No! But he has disregarded and violated all. The act of Congress, passed February 12th, 1793, "respecting fugitives from justice, and persons escaping from the services of their masters"—an act passed in furtherance of the second section of the fourth Article of the Constitution, which says, "a person charged in any State with treason, *felony*, or *other crime*, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime"—expressly and peremptorily declares, "that whenever the Executive authority of any State in the Union, or of either of the Territories, northwest or south of the river Ohio, shall demand any person as a *fugitive from justice*, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, *or an affidavit made* before a magistrate of any State or Territory, as aforesaid, charging the person so demanded with having committed treason, *felony, or other crime*, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the *duty* of the Executive authority of the State or Territory, to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority, appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear"—and further provides, that "if no such agent shall appear within six months from the time of such arrest, the prisoner may be discharged," &c. Now by referring to the documents hereunto annexed, it will appear, that every requisition of the above recited act was strictly complied with by the Executive of Georgia. But the Governor of Maine, in his anxious desire to find an excuse for not doing his duty, says, so far as he has received any information relative to Philbrook and Kelleran, their visit to Georgia was in the course of their ordinary business as mariners; their vessel being at the South, they navigated it homeward, by the usual route, and in the usual time—they had stated homes to which they openly returned; at those homes they took up their residence, and conducted their affairs there without concealment, and, in all respects, conformably to the usage of innocent and unsuspecting citizens. Whether such a course of conduct is to be a fleeing from justice, within the meaning of the act of Congress, and whether men so conducting are to be viewed as fugitives, may present a question of some importance, which he does not deem it necessary for him to decide. Truly a most wise conclusion. But the Governor of Maine seems to claim it as a matter of right, for him to depend upon information which he received, for refusing to deliver the fugitives—information, perhaps false, against a positive oath. Surely, then, your committee, speaking in behalf of the people of Georgia, if not of the entire South, may be permitted, also, to rely upon information which they have received, for reasons (independent of those already given) why they *should* have been

treason, *felony*, or *other crime*, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

*Be it further unanimously resolved*, That the State of Georgia, and each of the other members of this Confederacy, by the adoption of the Federal Constitution, became a party thereto, *no less* for the *better* protection of *her own* than the *common rights and interests of all*—and when *these* ends cease to be attained, by the *faithlessness* of any to the *constitntional engagement*, she is no longer *bound by any obligations to the common compact;* and it *then* becomes not only her *right*, but her *duty*, paramount to *all others*, to seek and provide protection for her *own people in her own way*.

*And be it further unanimously resolved*, That so soon as a bill of indictment shall be found true, in the Superior Court of Chatham county, against the said Daniel Philbrook and Edward Kelleran, for the offence aforesaid, the Executive of Georgia be requested to make upon the Executive of Maine, a second demand for the persons of the said fugitives, predicated upon said bill of indictment, and accompanied by such evidence as is contemplated by the act of Congress in such cases made and provided.

*And be it further unanimously resolved*, That should the Executive of Maine refuse to conply with such second demand, the Executive of Georgia be requested to transmit a copy of these resolutions to the Executive of each State in the Union, to be presented to their several Legislutures; and also a copy to the President of the United States, and to our Senators and Representatives in Congress, to be laid before that body. And should the Legislature of Maine, at its session next after the said resolutions shall have been forwarded to the Executive of that State, neglect to redress the grievance herein before set forth, it shall be the duty of the Executive of Georgia to announce the same by proclamation, and call upon the people of the several counties, on a day in said proclamation to be named, to elect, under like restrictions and regulations as in the election of members to the Legislature, a number of Delegates equal to the number of Senators and Representatives to which they may be entitled in the General Assembly, to meet in convention at the seat of Government, on a day to be fixed in said proclamation, to take into consideration the state of the Commonwealth of Georgia, and to devise the course of her future policy, and provide all necessary safeguards for the protection of the rights of her people.

In the House of Representatives, agreed to 22d December, 1837.

JOSEPH DAY,
*Speaker of the House of Representatives.*

Attest:
JOSEPH STURGIS, *Clerk.*

In Senate, concurred in the 25th December, 1837.

ROBERT M. ECHOLS,
*President of the Senate.*

Attest:
JOHN T. LAMAR, *Secretary.*

Approved 25th December, 1837.

GEORGE R. GILMER,
*Governor.*

CONNECTICUT.

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# REPORT

*Of the Joint Select Committee, to whom was referred that part of His Excellency's (the Governor of Connecticut) Message, relating to the increase of the National Executive patronage—as reported to the General Assembly of Connecticut, May Session,* 1838.

The joint select committee, to whom was referred that part of his Excellency the Governor's Message, which relates to the increase of the National Executive patronage, have had the same under consideration, and report:—

That although from the pressure of other duties, they have not been able to devote that time to the subject which its importance demands—yet, from a brief and general view of it, which, alone, they have been permitted to take, they are satisfied that a danger exists from this source to our republican institutions, calculated to excite the deepest apprehension. The increase of that patronage, and the effects of it are evinced in various modes: in the increase of revenue and expenditure—the number of officers through whose hands, and into whose pockets it passes—the character and circumstances of their appointments—and the result, in producing a general subserviency to the appointing power.

Within a little more than eight years, the expenses of the General Government have swelled from about thirteen millions, to about thirty three millions of dollars. The *first* sum, alarmed the political economists who opposed the Administration of Mr. Adams, for the safety of the republic.—Their language was *then* of retrenchment—their cry is *now* that of the horse-leech, for more. For the purpose of collecting and disbursing the present enormous sums, it is believed that there has been at least a corresponding increase of officers and agents. The list has been prodigiously enlarged: and when to the catalogue of those who hold appointments *directly* from the Government, in the departments and bureaus at Washington—in the Custom houses—the land offices—the ramifications of the Post office—the Army and Navy, and the embassies abroad—we add the Contractors, Agents, and employees of all kinds—many of whom are connected with the press—who depend *indirectly* upon the Government for their daily bread, it presents, indeed, a formidable host. But the danger existing from the multitude of these placemen, and the immense funds which they are permitted to handle, is perhaps even less, than that arising from the principle of their selection, and the tenure of their office. The avenues to wealth and distinction in this country are so widely open, that the honest, industrious and capable, are, for the most part, too prosperous and too independent to apply for office. It is usually those of another class, who are the most eager for place, and who come up with their clamors, into the very kneading thoughts of the appointing power. The test question respecting an applicant, once was, "is he honest? is he capable?—is he faithful to the Constitution?" Of late years a new and fearful rule has been adopted—a rule at war with the fundamental principles of a free government. The offices

which have hitherto been considered as a *trust* for the benefit of the people, are now declared to be a *spoil*, for the use of a victorious party. And the question of course *now* is—does the applicant follow the camp of the Conqueror? *Other* new and strange principles, have lately been advanced; that public officers, instead of being the agents of the law, are the mere subordinates, the creatures of the President—that this chain of office-holders, from that high functionary down, form especially *the* Government—and that it is the first duty of the Government, to take care of themselves.

The avowal of such doctrines, seems like giving a pledge to corruption; and from the infirmity of human nature, it would be very extraordinary, if the invitation were not readily understood, and eagerly accepted. The avowal of these doctrines has drawn a line and made an issue, between the ruled and the rulers; between the many and the few. And the rights of the few are declared to be paramount. It is believed, that never before in a free country, has a claim so monstrous been asserted. Not more abhorrent to the feelings of freemen, is the doctrine of the divine rights of Kings.

In the celebrated retrenchment report, made by Mr. Benton to the Senate of the United States in 1826, a maxim is quoted from one of the numbers of the Federalist: "that power over a man's support has always been held and admitted to be power over his will." This is doubtless true—but under former administrations so seldom and so gently had this power been used, that it was scarcely known; and the will was left comparatively free. It remained for an administration composed of the leading men who made that report, to establish a principle, whose unerring tendency, is to bind the will of all subordinate officers, as with a chain, to the footstool of the Executive.

In the same report, it is said, that the time will come when the nomination by the President, can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress—when the principle of public action will be open and avowed, "the President wants my vote, and I want his patronage; I will vote as he wishes and he will give me the office I wish for. What will this be but the government of one man, and what is the government of one man but a Monarchy?" "Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him."

Such is the language of this well known report. Is not that which was *then* prophecy, *now* become history, and made so by the seers themselves. There are none so well qualified to prophecy correctly, as those who are about to cause the fulfilment of their own predictions.

The committee have no time nor disposition to detail cases of political subserviency, which the doctrines and the practice of the administration have in reality produced. They refer to the knowledge of the members, and the notoriety of the facts. Are not the most unscrupulous of executive partizans, every where, those who bear the executive mark.

One of the most alarming evidences of danger from Government patronage, is found in the facility with which men of the highest official dignity in their respective States, are seduced by enormous salaries, into inferior, national appointments. Governors of States, Members of Congress, and other public functionaries, may thus be led to scramble for a Clerkship in a Department—a place in the Custom House—or the office of a Postmaster. Political divisions in the States can thus be quieted—rivalries can thus be re-

conciled—opponents can be bought—and partisans rewarded. If a sycophant of the Federal Government is defeated, as the candidate for office in his own State, from a want of confidence in his ability or honesty, on the part of those who know him best, this *rejection* may be made his passport to a far more profitable place under that Government. From an unsuccessful demagogue, he may be converted into a martyr, and receive a martyr's reward.

In the collisions which may occur in Congress, between the interests of the Government and those of the people, separated as they now are, patronage is an almost unlimited fund in the hands of the former, to buy the chosen champions of the latter. A lure may be held out so attractive, as to tempt even an officer presiding over the people's *own* branch, and extensively controlling its deliberations and proceedings, to become an instrument of the Executive.

It is thus that the independence of the State sovereignties is jeopardized, and a consolidated Government, republican in name, but a monarchy in fact, is in danger of being established. Well might the present Chief Magistrate of the Union, *now* take up the lamentation which he once uttered, over the lost rights of the States. At the present time, in the words of that report which has before been referred to, "the Press, with some exceptions—the Post Office—the armed force, and the appointing power, are in the hands of the President, and the President is not in the hands of the People. The President *may*, and in the current of human affairs *will* be, against the people. The arbiters of human fate, must be against them also. This will not do. The possibility of it, must be avoided. The safety of the people is the supreme law, and to ensure that safety, these arbiters of human fate must change position, and take posts on the side of the people."

In conclusion, the committee fully respond to the sentiments of his Excellency's Message, on the danger of National Executive Patronage, and for the purpose of endeavoring as far as possible to check its progress, they recommend the passage of the accompaning resolution, all of which is respectfully submitted.

Per order
E. WOODRUFF, *Chairman.*

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STATE OF CONNECTICUT, ss.
*Office of the Secretary of State, June 13th,* 1838.

I hereby certify that the foregoing is a true copy of the original report on file in this office.

In testimony of which, I have hereunto affixed the Public Seal of this State, and my official signature, on the day and date above mentioned.

ROYAL R. HINMAN, *Secretary.*

*At a General Assembly of the State of Connecticut, holden at New-Haven, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty eight—*

*Resoved by the Senate and House of Representatives in General Assembly convened*, That the Senators and Representatives of this State in the Congress of the United States, be, and they are hereby, requested to endeavor by all just and proper means, to procure the passage by Congress of an amendment to the Constitutiom of the United States, in the manner prescribed by the provisions thereof, whereby the power of nominating, appointing or removing any officers of the United States, except officers Naval and Military, Embassadors, Public Ministers and Consuls, shall not appertain to the office of President of the United States, but be vested and exercised in some other manner, as may be specified in such amendment or prescribed by law.

*Resolved*, That his Excellency the Governor is requested to transmit copies hereof to each of the Senators and Representatives aforesaid, and to the Governors of the several States, with a request that the same be communicated to their respective Legislatures.

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OFFCE OF THE SECRETARY OF SAID STATE,
*June* 13*th*, 1838.

I hereby certify that the foregoing is a true copy of record in this office, certified by my official signature, and the Public Seal of this State.

ROYAL R. HINMAN, *Secretary.*

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EXECUTIVE OFFICE,
*June* 13*th*, *A. D.* 1838.

In compliance with the above Resolution, I will thank you to communicate the same to the Legislature of your State.

With sentiments of high consideration,
Your humble servant,
W. W. ELLSWORTH.

His Excellency, the GOVERNOR OF KENTUCKY.

*Resolutions relating to the disposition of the Public Lands of the United States; at a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the first Wednesday of May, A. D.* 1838.

*Resolved by this Assembly*, That the public lands belonging to the United States are the common property of all the States, and the proceeds of them should be appropriated to their use and benefit, and to no other purpose whatever, without the consent of the States respectively.

*Resolved*, That this General Assembly do solemnly protest against a cession of any of the public lands to a State in which they may be situated, at a price less than that at which they are offered in market, and also against all pre-emption laws and the grants made under the authority of such laws.

*Resolved by this Assembly*, That our Senators and Representatives in Congress be requested to use their best endeavors to have the proceeds of the public lands divided among the States severally, as soon as it can with propriety be done.

*Resolved*, That it is expedient that a portion of the public lands belonging to the United States should be appropriated to the support of education in the original thirteen States of this Union, and that the Senators and Representatives in Congress from this State, be requested to procure the adoption of such a measure.

*Resolved by this Assembly*, That his Excellency the Governor be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress, and also to each Executive of the several States, with a request that they may be laid before the Legislatures of their States respectively.

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STATE OF CONNECTICUT, *to-wit:*
*Office of the Secretary of State, July 13th, A. D.* 1838.

I hereby certify that the foregoing is a true Copy of Record in this office. In testimony whereof, I have hereunto affixed the Seal of this State, and signed the same officially, at said Office, at the date last above.

Attest,

R. R. HINMAN, *Secretary.*

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STATE OF CONNECTICUT, *to-wit:*
*Executive Office, July 13th,* 1838.

To his Excellency,
*The Governor of Kentucky:*

In accordance with the directions of the late General Assembly of Connecticut, I forward to you the accompanying resolutions, and request that

the same may be communicated to the Legislature of the State over which you preside.

With sentiments of high consideration,

Your humble servant,

W. W. ELLSWORTH.

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## STATE OF ALABAMA.

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EXECUTIVE DEPARTMENT,
*Tuscaloosa, February 5th*, 1838.

SIR—Herewith I have the honor to transmit to you a joint Preamble and Resolutions of the General Assembly of the State of Alabama, in favor of the annexation of Texas to the United States of America; with a request that you will be pleased to lay the same before the Legislature of the State over which you preside.

With very great respect,

I have the honor to be, sir,

Your obed't serv't,

A. P. BAGBY.

His Excellency, the GOVERNOR OF KENTUCKY.

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*Joint Preamble and Resolutions of the General Assembly of the State of Alabama, in favor of the Annexation of Texas to the United States of America.*

The General Assembly of the State of Alabama, have witnessed with feelings of deep mortification, the course pursued by a few citizens of the United States, in opposition to the admission of the Republic of Texas into the Federal Union.

Professing, as we ever have, friendship for civil liberty, and a devotion to the holy cause of freedom, in every clime, it was to have been hoped, that no voice would be heard among us, to rebuke an application from Texas, for admission into this boasted asylum from oppression. Our ports have been ever open to the exile or emigrant from the eastern hemisphere; invitations and inducements have been extended to all whose interest or inclination led them to our shores, and no one has ever thought of denying comfort and protection to all who have fled from tyranny in that quarter and sought succor and shelter beneath the extended wings of our national eagles. By this policy, many of the enslaved, but worthy and magnanimous sons of Ireland, of France, and of Poland, have been enabled to reach our borders, and "re-

deemed, regenerated, and disenthralled," to tread our consecrated soil with the firm and elastic step of conscious freedom. With these glaring facts in view, why, it may be demanded, should we reject an overture for similar privileges, coming from the West? Should the circumstance, that the Texians come not as mendicants at our feet, that they can bring with them their lands and habitations, and correct principles, change our policy? We presume not. It is true that these advantages should not impel us to a course different from what we would adopt, if they did not exist; for whatever may be the magic influence of interest, in ordinary cases, it is admitted that its injunctions should be powerless on the present occasion. But the circumstance is alluded to for the purpose of showing, that although it should weigh but as the dust in the balance, in determining the present question, yet that it should have as little influence against, as in favor of the conclusion to which we arrive. And as far as it can be brought to bear upon the question in a constitutional or political point of view, precedents are not wanting, if justice could require or yield to precedent, which will sustain fully the advocates of the annexation of Texas. We refer to the acquisition of Louisiana, during the administration of Mr. Jefferson, and to the still more recent annexation of Florida, during the administration of Mr. Monroe. The inhabitants of those countries were not admitted into the Union at their own solicitation, but without their formal consent,—they were purchased of their royal and imperial masters with our common treasure, and together with their soil, their religion, their language, their household goods, were brought within the pale of our General Government. How different, in many respects, is the case with the Republic of Texas? Upon the unanimous application of her brave and chivalrous citizens, who may be said to be "bone of our bone and flesh of our flesh," she seeks, "without money and without price" from us, to obtain shelter and protection under the ample folds of our Federal Banner. Is there, in the whole length and breadth of our land, a friend of liberty—a lover of justice—or even a mere philanthropist—who can hesitate for one moment in the decision of this question?

There are some, it is to be apprehended and regretted, who view this subject alone through the dim and deceptive medium of *sectional* party feelings. We cannot consent to be influenced by such sordid and circumscribed motives. And such a view is the more to be deplored, because of its inevitable tendency to blind the honest, to pervert the innate sympathies of their nature for the worst of purposes, and by introducing extraneous matters into an otherwise simple question, to lead the minds of many unsuspecting persons to the contemplation of false issues. For example, many well-meaning, but misinformed females of some of our sister States, whose hearts are thrillingly alive and enthusiastic upon another subject, on false premises, as we know, are induced to believe that the present question is identical with that, and that if Texas should be admitted into the Union, all their hopes in favor of universal emancipation will become, as they really are, the mere waking reveries of their abused or distempered imaginations. But were considerations of expediency to become the only test on this grave and important question, it is not perceived that such a view of the present subject should reverse the policy we propose. Looking to the most exalted aim, in a mere point of expediency, which can possess the bosom of an American patriot and statesman, the preservation through all time of *Constitutional* Union—the only permanent palladium of civil liberty and domestic tran-

quility—the annexation of Texas appears every way desirable to every portion of our country. The solid and everlasting foundation on which our political fathers sought to establish justice, to ensure domestic peace, to form a perfect Union of our States, and to perpetuate the blessings of liberty to themselves and their posterity, was a well regulated balance of governmental and territorial power. Since the formation of the Constitution, the north-east, the north and the north-west, have increased more rapidly in numerical power of states and population, than the south and south-west. It needs but a glance at the map to satisfy the most superficial observer, that an *over*-balance is produced by the extreme north-east, which, as regards territory, would be happily corrected and *counter*-balanced by the annexation of Texas. And when it is recollected too, that the very territory which it is now proposed to acquire, was once within the scope of a just claim of our General Government, extending to the Rio del Norte, and that it was bartered for a mess of porridge by the prime-mover of the present opposition to its re-acquisition, there remains no pretext for a subterfuge, under which the adversaries of annexation can hope to disguise the *covert* designs which, there is much reason to fear, prompted the exchange of our claims in Texas for the unappropriated portions of Florida, consisting mainly of barren sands and poisonous everglades.

It may be apprehended by some, that there is danger, in negotiating with Texas, on this subject, of involving our General Government in a conflict of arms with Mexico. We cannot perceive how it is possible, upon correct principles, that such a result can ensue. And we presume every patriot, who entertains a proper respect for himself and his country, will be ready to exclaim, that however much such a conflict is at all times to be regretted, yet if it should be urged upon us, contrary to the eternal principles of right and justice, let it come! let it come!

But it may not be amiss to examine for a moment, on what foundation such apprehensions repose. Texas is not only independent by declaration, but she is sovereign and independent in substance and in fact; and as far as can be judged from her past history or present condition, and the quiescent course of Mexico towards her for the last twenty months, there exists not the slightest ground to fear, that her independence is not permanent. Is there any substantial reason, then, why we should not treat with the Republic of Texas as a sovereign and independent nation of the earth? Should we delicately consult the mere stubbornness of Mexico in this matter? Must we stand as idle spectators of her froward imitation of Old Spain, in refusing to recognise the independence of her revolted colonies, least she visits upon us the vengeance which she has attempted in vain to inflict upon Texas? If this be a duty of neutrality, then it appears clear, that an equal obligation exists to refrain from any negociation with a revolted colony until the mother country acknowledges her independence. Such a course, however, is contrary to the invariable custom of nations. Indeed, the previous course of our own government, under almost precisely similar circumstances, has been in accordance with the course for which we contend. Before Spain had recognised the independence of Mexico herself, and while the latter was far from settled in the exercise of her assumed sovereignty, a negotiation for the purchase of her territory to the Rio del Norte, was urged upon her through Mr. Clay, then Secretary of State, under the administration of the younger Adams. Where then were the Constitutional objections

to the annexation of Texas? The same policy was pursued and brought almost to consummation, under the administration of President Jackson. Wherefore now such extreme delicacy on the subject of our foreign relations?

But as it is upon the substance of this important subject, that we desire to be distinctly understood at present; therefore,

1. *Be it Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the overture on the part of the Republic of Texas, for annexation to the United States of America, ought to be met by the Federal authorities in the most friendly manner, and should be accepted as soon as it can be done without a violation of our honor as a nation, or any principle of international law.

2. *And be it further Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to urge and sustain the foregoing views on all proper occasions.

3. *And be it further Resolved*, That the Governor of this State be requested to transmit, as early as practicable, a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress; a copy to the Governor of each State of the Union, with a request that it be laid before the Legislature of his State; and a copy to the President of the United States.

J. W. M'CLUNG,
*Speaker of the Ho. of Representatives.*
JESSE BEENE,
*President of the Senate.*

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## STATE OF ARKANSAS.

### PREAMBLE AND RESOLUTIONS.

Whereas, Arkansas having been admitted into the Union of the States, upon an equal footing with all the other members of the Confederacy, it becomes her imperious duty to institute such a system of law and policy, as will secure to her a high rank among the other States, and, at the same time insure prosperity to her citizens, and afford them an ample field for laudable enterprize. To effect this, we hold it absolutely necessary that the State of Arkansas should have the entire right to, and the exclusive control over, all the lands claimed by the government of the United States, which are within her borders. We hold it to be evident that the true interest, both of the Federal Government and of Arkansas, is, that the lands should be ceded to the State, upon some fair and equal footing. The influence which necessarily must arise from the disbursements and from the officers absolutely requisite for the disposal of such vast tracts of land, ought of right to be wielded by the State—certainly, it ought not to belong to another government. The exclusive right and possession of the public domain, would give consequence and dignity to the State institutions: it should be hers to say what proportion of land it was necessary for the public convenience to withhold from the

people; she alone should prescribe the terms upon which any citizen might acquire and exercise ownership over the soil. Hence it would result, that the community, regarding the State Government as the paramount controling power in all domestic concerns, would imbibe a feeling of habitual reverence and respect for its authority, and the laws of the State, the strongest possible inducements could be held out, for an intelligent and permanent class of citizens to emigrate to the State, and identify themselves with its interests and welfare. Such a class constitutes the true wealth of every government. Neither a treasury overflowing with gold, nor a boundless domain of the most fertile soil, is half so desirable. Such a population furnishes the most certain resource for a revenue, and the most valuable defence against danger of every description. The reason which induced the government of the United States to institute the system of selling its lands to the people of the States, having ceased, the policy should also be abandoned. There can be no apology for a government, prosperous and out of debt, to persist in a course calculated to retard the population and improvement of any portion of the nation. There are, in the State of Arkansas, many works of internal improvement which have been commenced by the United States, during the Territorial form of government, which are of the first importance to the country, and which lie in a state of incompletion and ruin. The State is unable to finish these works, or even to keep them in repair, having no title to the vast tracts of public lands within her borders, nor being able to offer the lands at so reduced a price as to induce their immediate settlement by a population which would afford a sufficient revenue from taxation. If there is in the Union a State to which internal improvement is of more importance than to any other, we are safe in declaring Arkansas to be that one. Our entire western border is inhabited by hordes of savages, who may, at any time, make an irruption upon our settlements, either from revenge or a desire of plunder. We should therefore have every facility of transportation, both by roads and water navigation, which would enable us, with the utmost expedition, to concentrate a force upon our frontier:

*Resolved, therefore*, That our Senators in Congress be instructed, and our Representatives requested, to give their hearty co-operation and support to a bill introduced at a late session of the Congress of the United States, by the Hon. JOHN C. CALHOUN, for the cession of the public lands, whenever the same shall again be brought before them; and in case it shall not be brought up, then that a similar bill, having the same object in view, shall be introduced by them during the present session of Congress.

*Resolved*, That we consider the passage of such a bill a matter of vital importance to this State, and that no pains should be spared to effect it.

*Resolved*, That the Governor furnish the Executives of all the States of this Union with a copy of this preamble and resolutions, and request them to lay the same before their respective Legislatures; and that he furnish each of our Senators and our Representative in Congress with a copy.

GRANDISON D. ROYSTON,
*Speaker of the House of Representatives.*

SAM. C. ROANE,
*President of the Senate.*

Approved: February 24, 1838.

J. S. CONWAY.

I, ROBERT A. WATKINS, Secretary of State of the State of Arkansas, do hereby certify the annexed and foregoing Preamble and Resolutions are a true copy from the original, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and the Seal of office, at Little Rock, this 3d day of March, A. D. 1838, and of the American Independence the sixty-second.

R. A. WATKINS, *Secretary of State.*

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EXECUTIVE DEPARTMENT,
*Little Rock, Arkansas, March 3d*, 1838.

Sir—Herewith, on the preceding page, I have the honor to transmit to you a joint Preamble and Resolutions of the General Assembly of the State of Arkansas. In compliance therewith, I have to request that you will be pleased to lay the same before the Legislature of the State over which you preside.

With very great respect,
I have the honor to be, Sir,
Your obedient servant,
J. S. CONWAY.

His Excellency,
THE GOVERNOR OF THE STATE OF KENTUCKY, *Frankfort, Ky.*

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## STATE OF OHIO.

EXECUTIVE OFFICE, OHIO,
*Columbus, February* 24, 1838.

TO THE GOVERNOR OF KENTUCKY:

In compliance with the request contained in the second Resolution herewith transmitted, I send you a certified copy of Resolutions passed by the General Assembly of Ohio, protesting against the annexation of Texas to these United States.

These resolutions passed the House of Representatives (the whole number of which is seventy-two) by a vote of sixty-four in favor, and none against them; and passed the Senate by a vote of thirty-six (the whole number) for, and none against them.

I have the honor to be
Your obedient servant,
JOSEPH VANCE.

## RESOLUTION

*In relation to the Annexation of Texas to the Union.*

The subject of the annexation of Texas to the United States having been presented to the General Assembly of the State of Ohio, by numerous petitions, and by a report of a committee of one branch of the Legislature, the following resolutions were submitted by said committee for their definite action and concurrence:

*Resolved by the General Assembly of the State of Ohio,* That in the name and on behalf of the People of the State of Ohio, we do hereby SOLEMNLY PROTEST against the annexation of Texas to the Union of these United States.

*And be it further resolved,* That the Governor be requested to transmit to each of our Senators and Representatives in Congress, and to the Governors of each of the States, a copy of the foregoing Resolution, with a statement of the votes by which it was passed in each branch of the Legislature.

C. ANTHONY,
*Speaker of the House of Representatives.*

GEORGE J. SMITH,
*Speaker of the Senate.*

February 23d, 1838.

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SECRETARY OF STATE'S OFFICE,
*Columbus, Ohio, February* 24, 1838.

I hereby certify the foregoing Resolution to be a true copy of the original roll on file in this department.

CARTER B. HARLAN,
*Secretary of State.*

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## STATE OF MAINE.

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EXECUTIVE DEPARTMENT,
*Augusta, March* 1, 1838.

SIR—In compliance with a request of the Legislature of this State, I herewith transmit to you a copy of "resolves respecting the Franking Privilege," passed at the present session.

I have the honor to be,
With great respect,
Your obedient servant,
EDWARD KENT.

To His Excellency, the GOVERNOR OF KENTUCKY.

## RESOLVES RESPECTING THE FRANKING PRIVILEGE.

*Resolved*, That the Franking Privilege should be extended to the Governors and Secretaries of the several States.

*Resolved*, That the same privilege should be extended to the members of the several State Legislatures, so far as to transmit within the limits of their respective States, documents printed by order of the Legistatures thereof.

*Resolved*, That his Excellency the Governor be requested to transmit a copy of these resolves to the Governors of the several States, and to each of our Senators and Representatives in Congress.

In the House of Representatives, February 22, 1838.

Read and passed,

ELISHA H. ALLEN, *Speaker.*

In Senate, February 23, 1838.

Read and passed,

N. S. LITTLEFIELD, *President.*

Approved February 24, 1838.

DEWARD KENT.

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SECRETARY'S OFFICE,
*Augusta, March* 1, 1838.

A true copy of the original on file.

Attest,

SAMUEL V. BENSON,
*Secretary of State.*

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## STATE OF VERMONT

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EXECUTIVE DEPARTMENT,
*Montpelier, Nov.* 5, 1838.

SIR—In compliance with a request of the Legislature, I have the honor to enclose the accompanying resolutions, and am,

With great consideration,

Your ob't servant,

S. H. JENISON.

To His Excellency, the GOVERNOR OF KENTUCKY.

*Resolved by the Senate and House of Representatives*, That the Franking Privilege ought to be extended to the Governors of the several States.

*Resolved*, That his Excellency the Governor be requested to transmit a copy of these resolutions to the Governors of the several States, and also to our Senators and Representatives in Congress.

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SECRETARY OF STATE'S OFFICE,
*Montpelier, Nov.* 5, 1837.

I certify that the foregoing are true copies of resolutions passed by the Legislature of this State, October 30, A. D. 1837.

CHAUNCY L. KNAPP,
*Secretary of State.*

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## STATE OF KENTUCKY.

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### MEMBERS OF THE CONVENTION OF 1792.

FAYETTE COUNTY.

Hubbard Taylor,
Thomas Lewis,
George S. Smith,
Robert Fryer,
James Crawford.

NELSON COUNTY.

William Keen,
Matthew Walton,
Cuthbert Harrison,
——— Hobbs,
Andrew Hynes.

JEFFERSON COUNTY.

Richard Taylor,
John Campbell,
Alexander S. Bullitt,
Benjamin Sebastian,
Robert Brackinridge.

MADISON COUNTY.

Charles Cavender,
Higgerson Grubbs,
Thomas Clay,
Thomas Kennedy,
Joseph Kennedy.

BOURBON COUNTY.

John Edwards,
James Garrard,
James Smith,
John McKinney,
Benjamin Harrison.

MERCER COUNTY.

Samuel Taylor,
Jacob Froman
George Nicholas,
David Rice,
Samuel McDowell.

LINCOLN COUNTY.

Benjamin Logan,
John Baily,
Isaac Shelby,
Benedict Swope,
William Montgomery.

WOODFORD COUNTY.

John Watkins,
Richard Young,
William Steele,
Caleb Wallace,
Robert Johnston.

MASON COUNTY.

George Lewis,
Miles W. Conway,
Thomas Waring,
Robert Rankin,
John Wilson.

# REPORT

FROM

# The Agent and Keeper of the Penitentiary.

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OFFICE KENTUCKY PENITENTIARY,
*Frankfort, December* 5, 1838.

HON. R. P. LETCHER, *Speaker of the House of Representatives:*

SIR:—I beg leave, through you, to lay before the House the following report, showing the condition of the Kentucky Penitentiary, on the 10th November, 1838.

The means of the institution, from all sources, were, at that date, as follows, to-wit:

| | |
|---|---|
| Account against the Commonwealth for buildings, for cash paid prisoners when discharged, as per law, &c. and for cash paid Commissioners of the Sinking Fund, - - - - - | $18,877 15 |
| Account against Thos. S. Theobald, Agent and Keeper, - | 11,280 15 |
| Amount of accounts against sundry individuals, - - | 17,459 98 |
| Amount of notes do. do. do. - - - | 4,335 86 |
| Amount of bagging and rope in the hands of commission merchants for sale, of which no account of sales has been rendered, estimated at 18 cents for bagging, and 7 cents for rope, - - - - - - - - - - | 22,040 44 |
| Amount of manufactured articles and raw materials on hand, (estimated value,) - - - - - - | 14,583 90 |
| Sum total of assets, - - - - - - | $88,577 48 |

The liabilities of the institution are, as per ledger, at the date aforesaid, as follows, to-wit:

| | |
|---|---|
| Amount of balances due to sundry individuals for provisions, raw materials, &c. furnished for the use of the institution, - - - - - - - - - - | 6,761 08 |
| Showing a balance in favor of the institution of - - | $81,816 40 |

A considerable portion of the bagging and rope estimated above has been sold, and a portion of the proceeds appropriated, which will fully appear in the proper accounts, when the accounts current are rendered by the commission merchants. The net proceeds, however, will not vary much from the above estimate. The foregoing statement of the condition of the institution is made up from a careful examination of its books, and is believed to be accurate. At the last session of the Legislature it was made the duty of

the keeper to have a semi-annual settlement of the accounts of the institution with the Commissioners of the Sinking Fund, and to pay over to them the State's portion of the profits. In order to comply with the provisions of this law, the books of the institution have been for some time in the hands of two gentlemen, selected by the Commissioners of the Sinking Fund, well qualified for that task, for the purpose of a thorough examination of the accounts. These gentlemen have not, as yet, I am informed, completed their examination, but will probably soon do so. The Commissioners of the Sinking Fund, upon an examination of the Commonwealth's account, and the laws under which the charges were made, objected to the payment of about four thousand dollars, as being unauthorized by law; the legality of which was referred to gentlemen, selected by us mutually, who decided against the charge. The propriety of such objection is not apparent to the undersigned, but he feels disposed to acquiesce in the decision of more competent and impartial judges. The amount is therefore deducted from the account of the Commonwealth. I have paid the Commissioners of the Sinking Fund five thousand dollars, in cash, which makes the Commonwealth's account, as stated in the means of the Penitentiary. The remainder of the profits, after deducting the accounts of the Commonwealth and the Keeper, is on hand in the shape of notes and accounts against individuals, and raw materials and manufactured articles, which cannot of course be divided until the money is realized for them.

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*The following statistics are submitted, believing they will be both interesting and useful to the Legislature:*

| | |
|---|---|
| Number of persons in confinement, as per last report, - - - | 114 |
| Number of persons received since, up to 10th November, 1838, - | 72 |
| Total, - - - - - - - - - - - | 186 |

DISCHARGED SINCE.

| | | |
|---|---|---|
| By expiration of sentence, - - - - - - - - | 24 | |
| By executive pardon, - - - - - - - - - | 19 | |
| By death, - - - - - - - - - - | 2 | |
| | | 45 |
| Leaving in confinement, on the 10th November, 1838, - - | | 141 |

CRIMES.

| | |
|---|---|
| For horse stealing, - - - - - - - - - - | 25 |
| For larceny, - - - - - - - - - - | 48 |
| For robbery, - - - - - - - - - - | 11 |
| For burglary, - - - - - - - - - - | 17 |
| For felony, - - - - - - - - - - | 8 |
| For manslaughter, - - - - - - - - - | 8 |
| Carried forward, - - - - - | 117 |

| | |
|---|---|
| Brought forward, | 117 |
| For counterfeiting, | 7 |
| For forgery, | 4 |
| For bigamy, | 1 |
| For robbing mail, | 2 |
| For stabbing, | 2 |
| For burning, | 2 |
| For swindling, | 3 |
| For maiming, | 1 |
| For kidnapping, | 2 |
| | 141 |

COUNTIES SENT FROM.

| | |
|---|---|
| From Jefferson, | 74 |
| From Fayette, | 6 |
| From Campbell, | 6 |
| From Harrison, | 4 |
| From Laurel, | 3 |
| From Hickman, | 3 |
| From Livingston, | 3 |
| From Franklin, | 2 |
| From Mason, | 2 |
| From Fleming, | 2 |
| From Nicholas, | 2 |
| From Greenup, | 2 |
| From Clay, | 2 |
| From Hancock, | 2 |
| From Pike, | 2 |
| From Scott, | 2 |
| From Breckinridge, | 2 |
| From Russell, | 2 |
| From twenty other counties, one each, | 20 |
| | 141 |

TERM OF SENTENCE.

| | |
|---|---|
| For life, | 2 |
| For sixteen years, | 1 |
| For ten years, | 12 |
| For eight years, | 3 |
| For seven years, | 3 |
| For six years, | 10 |
| For five years, | 13 |
| For four years, | 27 |
| For three years, | 25 |
| For two years, | 26 |
| For one year, | 21 |
| | 141 |

AGES OF PRISONERS.

| | |
|---|---|
| Under twenty years of age, | 14 |
| Between twenty and thirty, | 80 |
| Between thirty and forty, | 26 |
| Between forty and fifty, | 15 |
| Between fifty and sixty, | 5 |
| Over sixty, | 1 |
| | 141 |

THEIR PLACES OF NATIVITY ARE AS FOLLOWS:

| | |
|---|---|
| Born in Kentucky, | 37 |
| Born in Virginia, | 19 |
| Born in Pennsylvania, | 16 |
| Born in New York, | 13 |
| Born in Tennessee, | 6 |
| Born in Massachusetts, | 5 |
| Born in Ohio, | 5 |
| Born in South Carolina, | 3 |
| Born in North Carolina, | 2 |
| Born in seven other States, one each, | 7 |
| Born in foreign countries, | 28 |
| | 141 |

EDUCATION.

| | |
|---|---|
| There are prisoners well educated, | 4 |
| There are prisoners who can read and write, | 104 |
| There are prisoners destitute of education, | 33 |
| | 141 |

Of the whole number of convicts now in the prison, fifty seven ascribe their present condition to intemperance; and a much larger number were habitually intemperate, previous to their conviction. Of the number of convicts that have been discharged by Executive pardon, it is proper to remark, that a large portion of them were pardoned a very few days before the expiration of their sentence; the effect of which is, to restore them to the rights of citizens. Of this number, they were generally pardoned upon the application of the keeper, who believed, from strong indications on the part of the prisoners, and a careful observation on his own part, that they were qualified in morals again to enter civil society.

Although we have not been entirely exempt from sickness during the present year; it affords me much satisfaction to say that our suffering has been much less than last year, and I have great confidence that the beneficial results from the exertions of the corporation of the town to improve the health of the citizens, by ditching the flat land above and below the prison, will be as salutary in its effects upon the health of the prisoners as upon the citizens.

I cannot close without remarking that all concerned for the moral improvement and mitigation of the mental sufferings of this wretched and unfortunate portion of our community, are much indebted to the Ministers of the Gospel, of various denominations, who have labored with much zeal in the morning and evening of every Sabbath, and we have reason to hope to the great improvement of many who have professed the religion of the Bible. In conclusion I would observe, that it would give me great pleasure to have every department of the instution, its police as well as its books, thoroughly examined by committees of both Houses of the General Assembly, and to have the members personally to visit the prison frequently, for the purpose of a correct observation of its conduct and government.

All of which is respectfully submitted,

THOS. S. THEOBALD, *Agent & Keeper.*

# TREASURER'S ANNUAL REPORT.

STATE OF KENTUCKY,
*Treasury Office, December* 8, 1838.

SIR:

You will please lay before the honorable House over which you preside, the inclosed report.

I have the honor to be,
Your obedient servant,
JAMES DAVIDSON, *Treasurer.*

Honorable ROBERT P. LETCHER.

## No. 1.

A STATEMENT *showing the amount of money received by the Treasurer (under their appropriate heads,) from the* 11*th day of October*, 1837, *to the* 10*th day of October*, 1838, *inclusive, viz:*

| | | |
|---|---|---|
| From non-resident lands, | | $1,742 44 |
| From Sheriffs, | | 205,783 62 |
| From clerks of courts, | $32,929 75 | |
| From register of the land office, | 131 76 | |
| | | 33,061 51 |
| From lands west of Cumberland river, | | 21 10 |
| From the town of Covington, | | 226 75 |
| From the town of Newport, | | 108 00 |
| From the city of Lexington, | | 500 00 |
| From the city of Louisville, | | 3,908 50 |
| Miscellaneous receipts, | | 180 70 |
| Total amount of ordinary receipts, | | $245,532 82 |
| Total amount received from internal improvement scrip funds, | | 467,894 88 |
| Total amount received of the sinking fund, is | | 150,707 55 |
| Making the total receipts, of every description, amount to the sum of | | $864,135 25 |

| | | |
|---|---|---|
| Amount of ordinary receipts as stated above, - - - | | $245,532 82 |
| From which deduct the warrants for ordinary expenses, as in statement No. 2, - - | 231,412 17 | |
| Add to this sum the amount due to government the 10th of October, 1837—(See session acts of 1837, page 63,) - - - - - - | 11,596 71 | |
| | | 243,008 88 |
| When deducted from the ordinary receipts, leaves a balance in the Treasury, of this fund, the sum of - - - | | $ 2,523 94 |

INTERNAL IMPROVEMENT SCRIP FUND.

| | | |
|---|---|---|
| The receipts of this fund, as above stated, amounts to only - - - - - - - | 467,894 88 | |
| Add to this sum the balance in the Treasury on the 10th of October, 1837, - - - | 537,586 24 | |
| Making the whole amount of this fund, with which the Treasurer has been charged, the sum of - - - - | | 1,005,481 12 |
| The amount of warrants drawn on and paid at the Treasury of this fund, (as per statement No. 2,) is - - - | | 1,145,392 37 |

SINKING FUND.

| | | |
|---|---|---|
| Amount received of this fund, as above stated, is | 150,707 55 | |
| Amount of warrants paid on this fund, as per statement in No. 2, - - - - | 151,342 03 | |
| Leaves a balance against the commissioners of this fund, the sum of - - - - - - - - - - | | $634 48 |

## No. 2.

A STATEMENT *showing the amount of warrants drawn on and paid at the Treasury (under their appropriate heads,) from the* 11*th day of October*, 1837, *to the* 10*th day of October*, 1838, *inclusive, viz:*

| | |
|---|---|
| Criminal prosecutions, | $13,860 98 |
| For the support of Idiots, | 16,554 76 |
| " Clerk's services, | 9,064 69 |
| To Jailors, | 9,270 34 |
| " Attornies for the Commonwealth, | 4,650 87 |
| For salaries of the Executive and Judicial departments, | 46,339 17 |
| " Contingent expenses, | 4,637 55 |
| " Executive offices, | 4,010 31 |
| " Military expenses, | 951 01 |
| To Commissioners of tax, | 16,113 87 |
| To Juries, | 23,495 69 |
| " Grand Juries, | 3,582 69 |
| For slaves executed, | 2,700 00 |
| " Distributing the Acts and Journals, | 609 93 |
| To the Deaf and Dumb Asylum, | 1,790 66 |
| For Decisions of the Court of Appeals, | 3,787 50 |
| " Public communications, | 969 96 |
| " Appropriations, December Session, 1832, | 403 50 |
| " Appropriations, December Session, 1836, | 19 50 |
| " Appropriations, December Session, 1837, | 31,267 41 |
| " Legislature, December Session, 1837, | 34,478 23 |
| " Sheriffs comparing polls, | 502 35 |
| " Sheriffs for revenue, | 235 99 |
| " Trustees of the Jury Fund, | 2,111 09 |
| " Money refunded, | 4 12 |
| Total amount of warrants paid at the Treasury for ordinary expenses, | 231,412 17 |
| Amount of warrants paid at the Treasury for Internal Improvement scrip funds, | 1,145,392 37 |
| Amount of warrants paid at the Treasury to the commissioners of the Sinking Fund, | 151,342 03 |
| Total amount of warrants of every description paid at the Treasury from the 11th day of October, 1837, to the 10th day of October, 1838, | $1,528,146 57 |

JAMES DAVIDSON, *Treasurer.*

# REPORT

OF

# THE AUDITOR OF PUBLIC ACCOUNTS,

FOR

THE YEAR ENDING OCTOBER 10, 1838.

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AUDITOR'S OFFICE,
*Frankfort, December* 15, 1838.

SIR:—Be pleased to lay before the House over which you have the honor to preside, the following tables, marked No. 1 and 2, which contains the total amount of Receipts and Disbursements during the fiscal year, commencing on the 11th day of October, 1837, and ending on the 10th day of October, 1838. These tables comprise, in part, my Annual Report for the past year. The remaining part of said Report will be communicated with all possible despatch.

I have the honor to be, very respectfully,

BEN. SELBY, *Auditor.*

HON. R. P. LETCHER,
*Speaker of the House of Representatives.*

No. 1—RECEIPTS.

| YEARS. | Clerks, &c. for Taxes. | Sheriffs, for revenue | Redemption resident lands. | Non-resident lands. | Maysville, Was., Paris & Lexington road tolls. |
|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | |
| October 11 to 31, - - - - | 451 44 | 489 98 | 2 73 | 142 32 | 831 12 |
| November 30, - - - - | 1,403 68 | 10,537 83 | 2 72 | 99 90 | |
| December 31, - - - - | 10,097 60 | 125,817 51 | 1 58 | 305 01 | |
| 1838. | | | | | |
| January 31, - - - - - | 8,486 71 | 58,472 33 | 145 27 | 151 90 | |
| February 28, - - - - | 1,235 70 | 1,796 08 | 16 41 | 238 51 | |
| March 31, - - - - - | 2,069 18 | 328 00 | - | 74 42 | |
| April 30, - - - - - | 611 59 | 1,406 09 | 2 16 | 130 06 | 1,257 81 |
| May 31, - - - - - | 964 91 | 3,349 17 | - | 244 48 | |
| June 30, - - - - - | 1,878 02 | - | - | 96 96 | |
| July 31, - - - - - | 2,594 85 | 510 66 | - | 54 89 | |
| August 31, - - - - - | 3,226 08 | 1,597 80 | - | 27 44 | |
| September 30, - - - - | 41 75 | 884 17 | - | 49 71 | |
| October 10, - - - - - | - | 594 00 | - | 126 84 | |
| | 33,061 51 | 205,783 62 | 170 87 | 1,742 44 | 2,088 93 |

| | | | | | |
|---|---|---|---|---|---|
| | 33,061 51 | 205,783 62 | 170 87 | 1,742 44 | 2,088 93 |

No. 1—RECEIPTS—Continued.

| YEARS. | Dividend on State stock in North. Bank. | Dividend on S. stock in Bank of Kentucky. | Tolls, Muldrow's Hill road. | Sale of 2 stones, government property. | Lands east and west of Cumberland river. |
|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | |
| October 11 to 31, | | | | | |
| November 30, | 800 00 | 875 00 | 267 25 | 5 00 | |
| December 31, | - | - | - | - | 1 50 |
| 1838. | | | | | |
| January 31, | 15,000 00 | - | - | - | 12 50 |
| February 28, | - | - | 200 00 | | |
| March 31, | | | | | |
| April 30, | - | - | 68 43 | | |
| May 31, | - | - | - | - | 7 10 |
| June 30, | | | | | |
| July 31, | | | | | |
| August 31, | | | | | |
| September 30, | 10,000 00 | 33,591 52 | | | |
| October 10, | | | | | |
| | 25,800 00 | 34,466 52 | 535 68 | 5 00 | 21 10 |

No. 1—RECEIPTS—Continued.

| YEARS. | City of Louisville tax. | Old Bank of Kentucky. | Bank of the Commonwealth of Kentucky. | Tolls—Shelby road. | Tolls, Bardstown and Springfield road. |
|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | |
| October 11 to 31, - - - - | | | | | |
| November 30, - - - - | | | | | |
| December 31, - - - - | 208 50 | 5,967 00 | 12,750 00 | 162 01 | 220 37 |
| 1838. | | | | | |
| January 31, - - - - - | 3,700 00 | | | | |
| February 28, - - - - | | | | | |
| March 31, - - - - - | - | - | 4,000 00 | | |
| April 30, - - - - - | - | - | 23,930 09 | | |
| May 31, - - - - - | | | | | |
| June 30, - - - - - | - | - | 6,000 00 | | |
| July 31, - - - - - | | | | | |
| August 31, - - - - - | | | | | |
| September 30, - - - - | | | | | |
| October 10, - - - - - | - | - | 11,000 00 | | |
| | 3,908 50 | 5,967 00 | 57,680 09 | 162 01 | 220 37 |

| | | | | |
|---|---|---|---|---|
| 3,908 50 | 5,967 00 | 57,680 09 | 162 01 | 220 37 |

No. 1—RECEIPTS—Continued.

| YEARS. | Loaned to B. I. I. by Northern Bank. | Loaned to B. I. I. by Bank of Louisville. | City of Lexington tax. | City of Covington tax. | Money returned. |
|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | |
| October 11 to 31, | | | | | |
| November 30, | | | | | |
| December 31, | | | | | |
| 1838. | | | | | |
| January 31, | - | - | 500 00 | | |
| February 28, | | | | | |
| March 31, | | | | | |
| April 30, | 48,475 00 | 19,419 88 | - | 118 95 | |
| May 31, | | | | | |
| June 30, | - | - | - | - | 4 83 |
| July 31, | | | | | |
| August 31, | | | | | |
| September 30, | | | | | |
| October 10, | - | - | - | 108 00 | |
| | 48,475 00 | 19,419 88 | 500 00 | 226 95 | 4 83 |

No. 1—RECEIPTS—Continued.

| YEARS. | Bank of Kentucky tax. | Northern Bank tax. | Part of the sale State bonds for Internal Imp. | Bank of Louisville tax. | City of Newport tax. | TOTAL RECEIPTS. |
|---|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | | |
| October 11 to 31, - - | - | - | - | - | - | 1,917 59 |
| November 30, - - - | - | - | - | - | - | 13,991 38 |
| December 31, - - - | - | - | - | - | - | 155,531 08 |
| 1838. | | | | | | |
| January 31, - - - | - | - | - | - | - | 86,468 71 |
| February 28, - - - | - | - | - | - | - | 3,486 70 |
| March 31, - - - - | - | - | - | - | - | 2,471 60 |
| April 30, - - - - | - | - | - | - | - | 99,420 06 |
| May 31, - - - - | - | - | - | - | - | 4,565 66 |
| June 30, - - - - | - | - | - | - | - | 7,979 81 |
| July 31, - - - - | 23,213 04 | 13,754 00 | 150,000 00 | - | - | 190,127 44 |
| August 31, - - - - | - | - | 100,000 00 | - | - | 104,851 32 |
| September 30, - - - | - | - | 150,000 00 | 5,750 00 | - | 200,317 15 |
| October 10, - - - | - | - | - | - | 108 00 | 11,936 84 |
| | 23,213 04 | 13,754 00 | 400,000 00 | 5,750 00 | 108 00 | 883,065 34 |
| For Internal Improvement, - | - | - | - | - | 467,894 88 | |
| For Sinking Fund, - - | - | - | - | - | 145,707 55 | |
| Common revenue, - - | - | - | - | - | 269,462 91 | |
| | | | | | | 883,065 34 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Common revenue, - - | - | - | - | - | - | 145,707 55 | |
| | | | | | | 269,462 91 | |
| | | | | | | | 883,065 34 |

No. 2—DISBURSEMENTS.

| YEARS. | Criminal prosecutions. | Clerks' services. | Petit Juries. | Jailors. | Idiots. | Salaries. |
|---|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | | |
| October 11 to 31, - - - | 436 45 | 443 75 | 218 52 | 507 62 | 899 86 | 1,054 22 |
| November 30, - - - - | 502 76 | 730 41 | 1,195 32 | 287 84 | 1,553 70 | 662 50 |
| December 31, - - - - | 4,826 16 | 2,829 62 | 10,155 64 | 1,166 78 | 2,598 75 | 1,550 00 |
| 1838. | | | | | | |
| January 31, - - - - | 2,082 90 | 1,497 90 | 7,273 45 | 717 99 | 2,031 43 | 11,311 10 |
| February 28, - - - - | 564 70 | 278 90 | 943 85 | 1,853 14 | 62 50 | 1,575 00 |
| March 31, - - - - | 66 87 | 414 45 | 495 34 | 408 61 | 400 00 | 3,636 12 |
| April 30, - - - - - | 397 74 | 74 40 | 224 00 | 666 87 | 1,042 50 | 6,195 32 |
| May 31, - - - - - | 961 45 | 407 62 | 548 00 | 972 15 | 2,356 29 | 1,125 00 |
| June 30, - - - - - | 562 15 | 362 75 | 603 50 | 412 33 | 1,517 42 | 4,844 50 |
| July 31, - - - - - | 924 22 | 809 86 | 924 07 | 1,079 19 | 1,262 06 | 6,180 76 |
| August 31, - - - - | 1,435 44 | 855 35 | 1,199 00 | 851 20 | 1,352 23 | 218 40 |
| September 30, - - - - | 773 05 | 293 00 | 313 54 | - | 1,115 52 | 750 00 |
| October 10, - - - - | 66 09 | 178 12 | - | 45 58 | 605 00 | 7,236 25 |
| | 13,599 98 | 9,176 13 | 24,094 23 | 8,969 30 | 16,797 26 | 46,399 17 |

No. 2—DISBURSEMENTS—Continued.

| YEARS. | Attorneys. | Expenses, contingent. | Grand Juries. | Commissioners of tax. | Board of Internal Improvements. | Sinking Fund. |
|---|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | | |
| October 11 to 31, - - - | 103 57 | 34 50 | 42 00 | 394 00 | 278,982 72 | 5,831 12 |
| November 30, - - - - | 552 50 | 180 56 | 269 00 | 915 25 | 28,202 59 | 1,942 25 |
| December 31, - - - - | 167 50 | 1,882 63 | 1,960 08 | 3,886 92 | - | 17,099 38 |
| 1838. | | | | | | |
| January 31, - - - - | 1,275 00 | 696 24 | 926 31 | 1,416 14 | 1,000 00 | 15,000 00 |
| February 28, - - - - | 196 43 | - | 17 50 | 83 15 | - | 2,200 00 |
| March 31, - - - - | 375 00 | 44 00 | 6 50 | - | 24,866 68 | |
| April 30, - - - - - | 375 00 | 213 62 | 32 00 | - | 16,659 00 | 5,960 72 |
| May 31, - - - - - | 75 00 | - | 76 00 | 1,847 50 | 9,125 03 | |
| June 30, - - - - - | 375 00 | 228 73 | 56 50 | 1,476 00 | 10,123 00 | |
| July 31, - - - - - | 525 00 | 224 37 | 16 00 | 2,111 50 | 12,512 29 | |
| August 31, - - - - | 150 00 | 793 67 | 169 00 | 2,423 75 | 4,286 87 | |
| September 30, - - - - | 37 41 | 302 99 | - | 1,406 25 | 7,433 42 | 92,308 56 |
| October 10, - - - - | 443 46 | 31 74 | - | 145 50 | - | 11,000 00 |
| | 4,650 87 | 4,633 05 | 3,570 99 | 16,105 96 | 393,191 60 | 151,342 03 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | 4,650 87 | 4,633 05 | 3,570 99 | 16,105 96 | 393,191 60 | 151,342 03 |

No. 2—DISBURSEMENTS—Continued.

| YEARS. | Sheriffs' com. polls. | Military expenditures. | Executive offices. | Turnpike roads. | App. December session, 1832. | Public communications. |
|---|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | | |
| October 11 to 31, - - - | 11 00 | 15 00 | | | | |
| November 30, - - - - | 32 53 | 68 20 | 214 50 | 44,177 00 | 358 50 | 231 39 |
| December 31, - - - - | 223 77 | 496 75 | 622 72 | | | |
| 1838. | | | | | | |
| January 31, - - - - | 198 41 | 81 00 | 201 98 | 7,971 00 | 45 00 | 112 11 |
| February 28, - - - - | - | 18 00 | 276 45 | | | |
| March 31, - - - - | - | 3 50 | 574 12 | 155,562 01 | | |
| April 30, - - - - - | 18 20 | 75 00 | 61 75 | 28,186 25 | - | 105 98 |
| May 31, - - - - - | 7 00 | - | 687 80 | 18,769 00 | | |
| June 30, - - - - - | - | 76 56 | 369 75 | 49,986 00 | | |
| July 31 - - - - - | - | - | 66 41 | 52,810 00 | - | 252 34 |
| August 31, - - - - | 8 75 | 94 00 | 563 36 | 60,589 00 | | |
| September 30, - - - - | 10 60 | 23 00 | 308 72 | 67,073 00 | | |
| October 10, - - - - | - | - | 67 25 | - | - | 268 14 |
| | 510 26 | 951 01 | 4,014 81 | 485,123 26 | 403 50 | 969 96 |

No. 2—DISBURSEMENTS—Continued.

| YEARS. | Kentucky river navigation. | Decisions of Court of Appeals. | Green river navigation. | Ken. Institution, Deaf and Dumb. | Lexington and Ohio railroad. | App. December session, 1836. |
|---|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | | |
| October 11 to 31, - - - | | | | | | |
| November 30, - - - - | 6,782 00 | 1,950 00 | 20,000 00 | 482 33 | 20,000 00 | |
| December 31, - - - - | - | - | - | - | - | 13 50 |
| 1838. | | | | | | |
| January 31, - - - - | - | - | 2,000 00 | | | |
| February 28, - - - - | - | - | - | 448 00 | | |
| March 31, - - - - | 25,014 00 | - | 15,000 00 | | | |
| April 30, - - - - - | 3,100 00 | - | 10,000 00 | | | |
| May 31, - - - - - | 10,310 00 | - | - | 441 00 | | |
| June 30, - - - - - | 5,590 00 | 1,837 50 | 40,000 00 | | | |
| July 31, - - - - - | 12,340 00 | - | 20,000 00 | | | |
| August 31, - - - - | 8,985 00 | - | - | 419 33 | | |
| September 30, - - - - | 17,519 00 | - | 40,000 00 | | | |
| October 10, - - - - | | | | | | |
| | 89,640 00 | 3,787 50 | 147,000 00 | 1,790 66 | 20,000 00 | 13 50 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 89,640 00 | 3,787 50 | 147,000 00 | 1,790 66 | 20,000 00 | 13 50 |

No. 2.—DISBURSEMENTS—Continued.

| YEARS. | Money refunded. | Sheriffs for revenue, 1836. | Sheriffs for revenue, 1837. | Appropriations December session, 1837. | Legislature, Decr. session, 1837. | Slaves executed. |
|---|---|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | | | |
| October 11 to 31, - - - | | | | | | |
| November 30, - - - - | | | | | | |
| December 31, - - - - | 3 00 | 45 12 | | | | |
| 1838. | | | | | | |
| January 31, - - - - | 1 12 | - | 146 82 | 27 18 | | |
| February 28, - - - - | - | - | 5 50 | 25,824 56 | 34,253 23 | |
| March 31, - - - - | - | - | - | 432 00 | - | 700 00 |
| April 30, - - - - | - | - | - | 1,623 50 | | |
| May 31, - - - - | - | - | - | 609 00 | 225 00 | 1,000 00 |
| June 30, - - - - | - | - | 34 55 | 379 75 | | |
| July 31, - - - - | | | | | | |
| August 31, - - - - | - | - | 4 00 | 1,633 47 | - | 1,000 00 |
| September 30, - - - - | | | | | | |
| October 10, - - - - | - | - | - | 791 15 | | |
| | 4 12 | 45 12 | 190 87 | 31,320 61 | 34,478 23 | 2,700 00 |

No. 2—DISBURSEMENTS—Continued.

| YEARS. | Trustees' jury fund. | Distributing Acts, &c. | Licking river navigation. | TOTAL ISSUED. |
|---|---|---|---|---|
| | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. | Dolls. Cts. |
| 1837. | | | | |
| October 11 to 31, | - | - | - | 288,974 33 |
| November 30, | - | - | - | 131,291 13 |
| December 31, | - | - | - | 49,528 42 |
| 1838. | | | | |
| January 31, | - | - | - | 56,013 08 |
| February 28, | - | - | - | 68,600 91 |
| March 31, | - | - | - | 227,999 20 |
| April 30, | 34 47 | - | - | 75,046 32 |
| May 31, | 78 64 | - | - | 49,621 48 |
| June 30, | 363 54 | 139 00 | - | 119,338 53 |
| July 31, | 748 78 | 241 50 | - | 113,028 35 |
| August 31, | 537 43 | 154 93 | 2,200 00 | 89,924 18 |
| September 30, | 262 24 | 74 50 | 8,237 51 | 238,242 31 |
| October 10, | 85 99 | - | - | 20,964 27 |
| | 2,111 09 | 609 93 | 10,437 51 | 1,528,572 51 |

# REPORT

## *Of the Trustees of Transylvania University, to the Legislature of Kentucky.*

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In obedience to an Act of the Legislature of Kentucky, concerning Transylvania University, approved 16th February, 1838, the Board of Trustees would respectfully report:

The number of students in the Academical department at this time is thirty—two of whom do not pay.

THE DEBTS OF THE INSTITUTION ARE—

| | |
|---|---|
| A note to the Northern Bank of Kentucky, | $652 44 |
| A debt due to A. O. Newton, | 200 00 |
| Total, not including some interest due, | $852 44 |

INCOME.

| | |
|---|---|
| Interest on the Morrison Fund of $20,000, | $1200 00 |
| Auction duties, about | 100 00 |
| Rent of house, occupied lately by Professor Moore, | 150 00 |
| Tuition of Students, at $40 per annum, | 1120 00 |
| Total income, | $2,570 00 |

EXPENSES.

| | |
|---|---|
| Insurance on Morrison College, | $112 50 |
| Fuel (about) | 80 00 |
| Wages of Janitor, | 100 00 |
| Salaries of two Professors (so arranged as to equal the interest on the Morrison fund and tuition fees, after deducting insurance, fuel, and Janitor's wages,) | 2,177 50 |
| Incidental expenses, repairs, &c., about | 50 00 |
| | $2,520 00 |

PROPERTY OF THE INSTITUTION.

| | |
|---|---|
| Morrison Fund, | $20,000 00 |
| Nineteen acres of ground in the city of Lexington, including the buildings of Morrison College, &c. &c., | 70,000 00 |
| Library and Philisophical Apparatus, | 5,000 00 |
| Frankfort Bridge stock—twenty shares estimated at | 500 00 |
| A balance from Morrison's estate, but uncertain, | |
| | $95,500 00 |

All the debts above mentioned were created by the old Board of Trustees; and the present Board have, since their appointment, paid the sum of $675 of those debts. The Board herewith transmits the report of its committee, appointed to act as its organ, in corresponding with the presidents of the principal Universities, on the proper mode of organizing and managing the Institution.

All of which, is respectfully aubmitted,

M. C. JOHNSON, *Chairman, pro tem.*

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The committee appointed to act as the organ of the Board of Trustees, in the execution of a part of the duties imposed upon them, by the third section of an Act concerning Transylvania University, approved February 16th, 1838, would respectfully report:

That they have addressed letters to the Presidents of most of the principal Colleges and Universities in the United States, from many of whom, in due time, they received full and substantial replies, accompanied with volumes, containing the Laws and Regulations of the Institutions over which they preside.

The circumstances of these institutions are very different from those in which Transylvania is placed. Some were founded at an early period of American History, and now, sustained by the Patriots and Statesmen whom they have educated, repose securely upon the universal confidence and veneration of the people. While others, having the enjoyment of ample means, are thus enabled to return to the States, by which they were endowed, a rich harvest of cultivated intellect.

Transylvania has, at times, received the fostering care of the Legislature; and more than once, when it was contemplated to form a system of Common Schools for Kentucky, public attention has been turned to the State Institution as the legitimate source from which the streams of learning and education should flow. But as yet, no permanent endowment and organization has been made; and the appropriations in land and money have been small and unproductive, and were only intended for the immediate exigencies of the Institution. Such, however, has been the happy effect of these timely supplies, that she has been able to communicate instruction to a very large number of Law and Medical Students; and her graduates are returning to the State, by their labors in the various avocations of life, the rewards of a wise, though too frugal Legislation.

The Report of the Board will show the present situation of the University. The Academical Department is chiefly sustained, at present, by the legacy to the Institution received from the late Col. James Morrison. The department simply consists of two Professorships, to-wit: of Languages and Mathematics. If organized as a State University, the propriety of adding four additional Professorships cannot be questioned, viz: A Professorship of Moral and Mental Philosophy, over which the President should preside in person: a professorship of Chemistry, including Mineralogy, besides a course of instruction by Lecture and otherwise, in the science of Agriculture and Mining: a professorship of Civil Engineering, to include, besides

the usual branches, Right Line Drawing, Architecture, and Shades, Shadows and Perspective: and a professorship of Natural Philosophy.

To institute these professorships, and fill them with competent men, would require an endowment, yielding, annually, five thousand dollars; and with that sum. it is believed the Institution could be conducted with perfect success. If made, it should be in the form of a permanent and unalienable fund, which would answer the double purpose of securing the endowment from misapplication and loss, and of attracting, by a regular and certain income, the best talents of the country into the service of the University.

They would also suggest the appropriation of $15,000 00 for building a refectory and dormitories. The better regulation and discipline of the whole University, and the great object of rendering education accessible by making it cheap, all of which will be greatly promoted by the erection of these edifices, will at once prove the necessity of their establishment. The rent of rooms will yield a fair income from the investment.

These appropriations will call into activity the now dormant capital which the State has in the Institution. And as a compensation for which, the Trustees might be required to educate a number of poor young men, selected, say, one from each Senatorial District, by the Senator and Representatives of each District, or in such manner as the Legislature should prescribe, who, in turn, might be required to teach a specified term of years in the Common Schools of the District.

The committee, from as careful a consideration as they could give the subject, and from comparison with other Universities similarly situated, have come to the conclusion that the ultimate control and government of the University, should be vested in a large Board of Trustees. The committee would recommend that the number should be twenty five, consisting of the Governor and Lieutenant Governor, *ex officio*, and twenty three other citizens taken from different sections of the State, and appointed, biennially, by the Governor, with the advice and consent of the Senate; one half the board to reside within forty miles of Lexington, that a quorum might be obtained when necessity should require it. The Board to meet once a year, and supervise, examine and report to the Legislature, upon the condition, wants and prospects of the University. They should be authorized to appoint an Executive Committee, to meet, monthly, consisting of five members, who should be vested with the control of the Institution, subject to the revisal and direction of the Board when in session.

Should it, however, be deemed inexpedient, by the Legislature, so to endow the University, as to place it on a respectable footing as a State Institution, it is believed that a Board of Trustees, organized as at present, can best conduct the Institution in its limited sphere.

All of which is respectfully submitted.

HENRY CLAY, Jr., }
M. C. JOHNSON, } *Committee.*

# REPORT

OF

# THE BOARD OF INTERNAL IMPROVEMENT

OF THE

# STATE OF KENTUCKY.

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OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
*Frankfort, 13th December*, 1838.

To the Hon. R. P. LETCHER,
*Speaker of the House of Representatives:*

SIR—I have the honor to transmit through you, to the House of Representatives, the annual Report of the Board of Internal Improvement, with the accompanying documents.

With great respect, &c.,
JAS. T. MOREHEAD.

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*To the General Assembly of the Commonwealth of Kentucky:*

The Board of Internal Improvement respectfully submits to the Legislature, the following report of their operations during the past year:

Before proceeding to the detail of those operations, the Board would call the legislative attention to their financial concerns since the last annual report. At the time of that report, the amount of money under the control of the Board, was $159,818 42. On the 15th February last, about the period of the adjournment of the last General Assembly, the provision made by law for Internal Improvement, was so nearly exhausted, as to amount to the sum of $23,688. Early in the spring, an agent was dispatched by his Excellency, the Governor, to the Eastern cities, to put the Scrip of the State into market, which was authorized to be sold by the act of the last Legislature. It was known that the money markets of the East were affected by the pressure that pervaded every part of the United States, and well founded fears were entertained that the effort to dispose of the State securities would be abortive. It is due to the gentleman, to whom the agency was entrusted, and on whom, at a crisis of peculiar embarrassment, the respon-

sibility devolved, of sustaining the whole policy of the State in respect to Internal Improvement, to say, that the trust was, in every respect, fulfilled, and the sale of the bonds made, which, while the terms were highly creditable to himself, was of the utmost moment to the public interests.

About the last of April or first of May, when the present President of the Board came into office, the amount of funds under the control of the Board having been reduced to a sum so small as to be unavailable for any beneficial purpose, he proceeded forthwith to Lexington and Louisville, with the approbation of the Governor, whom the law had appointed as his adviser, to negotiate with the Banks for temporary loans, and with their characteristic liberality, they advanced to the Commonwealth the aggregate sum of $200,000—the Bank of Kentucky, the sum of $125,000; the Bank of Louisville, $25,000; and the Northern Bank, $50,000. With the facilities thus afforded, the Board was enabled to prosecute the public works, without any material disparagement to the public interests: except that attributable to the causes first enumerated, and that fears being entertained that the negotiation for the sale of the bonds might not be as successful as the result proved it to have been, the Board refrained from urging the contractors to such an increase of their force at the various works on the rivers, as would have conduced, if that expedient had been resorted to, to a greater progress during the season. Superadded to these causes, the frequent freshets during the spring season, and the consequent continuance of high water until the approach of mid-summer, checked the vigorous prosecution of the works up to that period. The sale of the Scrip, however, infused fresh spirit and energy into the whole system of operations throughout the State, and a more propitious season ensuing, which has continued, with slight interruptions, to the present time, the works have been prosecuted with commendable diligence, and such progress has been made on the larger portion of them, as to leave no reasonable doubt, if the next season shall prove ordinarily favorable, and a suitable force is employed by the several contractors, that all the locks and dams on the Green, Barren and Kentucky rivers, except number one on Green, and number one on the Kentucky river, will be finished for use before the expiration of another year. The last mentioned locks and dams, being located near the confluence of those rivers, respectively with the Ohio, are liable to be retarded by the freshets from above, as well as by the inundations of the latter river, and may be expected to advance with less rapidity than the others. The delay in their completion, however, is the less to be regretted, inasmuch as for the greater portion of the year, in consequence of the depth of water where they are situated, the navigation will not be subjected to the impediments which occur on the rivers above them.

The aggregate sum expended on the several works on the Kentucky river, from the 20th of November, 1837, to the end of the fiscal year, on the 10th October, 1838, was $108,103 92. When the locks and dams now in progress on the Kentucky, Licking, Green and Barren rivers are completed, there will be, opened for steam vessels, a navigation of three hundred and twenty one miles. The accompanying report of the Chief Engineer, contains a full and satisfactory detail of the work done at the several locks and dams under contract on those rivers respectively, and the expenditures on each.

The operations on the Licking river have been delayed by the occurrence of interruptions entirely beyond the power of the Board to control. In Oc-

tober, of the last year, five locks and dams were put under contract on that river, and the work was to be commenced in the ensuing January. Calculations were made, at the time of the lettings, that from the quarries adjacent to the three upper lock sites, sufficient stone could be obtained for building the locks. The contractors on the two lower locks, made provision for procuring stone in the State of Ohio; quarries were accordingly opened near Portsmouth, in that State, and the necessary arrangements were made for a vigorous prosecution of the works. After a careful and thorough examination of the quarries in the neighborhood of the lock sites, the contractors for numbers three, four, and five, failed to obtain stone of a size and quality suitable for the construction of the lock walls. The consequence was, that the contractor at number four, abandoned his contract, and the work was re-let without delay, the specifications having been so modified as to allow the use of smaller stone, and the face stones to be brought, as at the two lower locks, from the Ohio river. The Board are inclined to believe that the proper material for building cannot conveniently be procured in the vicinity of the three upper locks.

The death of the contractor for number five, which occurred in August, terminated his engagement. Anxious that no delay should ensue from that event, which could be possibly avoided, the Board forthwith directed the Chief Engineer to re-let the work. Proposals were accordingly offered and accepted; but the bidder eventually declined the contract and it was not consummated. Proposals were a secoud time invited, but no contract has yet been made, although the Board are now engaged in an effort to close one on terms which have been proposed, and are under advertisement.

The works at number one and two, have been retarded by the unusual low water of the Ohio river: the contractors having been thereby prevented from the transportation of stone to the locks, but there has been no want of energy and zeal on the part of the contractors, and those works are in a favorable state of forwardness. The amount of work done upon the Licking, from the 20th Nov., 1837, to the 10th of October, 1838, is $11,236 89.

In the early part of August, the Board determined to visit, in person, the works on Green river, and appointed a meeting at Bowlinggreen on the 20th day of that month. The meeting was held accordingly, and much important business transacted, connected with the improvements in the Southern part of the State. From Bowlinggreen, they proceeded by land to visit the public works along the whole line of Green and Barren rivers, to lock number two, at the falls of Vienna. They were thus enabled to examine, in the most satisfactory manner, the condition of those works, and were gratified to find one of them completed—another nearly so, and, the remainder, except number one, in good progress.

Within the last month, the locks and dams, number two and three, on Green river, have been finished, so far as to be ready for use, and there are now, on that river, eighty four miles of continuous slack water, adapted to steam navigation. While at Rumsey, the Board appointed a lock keeper, and established a temporary rate of tolls, suitable, in their opinion, to the existing exigencies of the navigation.

The report of the President of the Board of Green river commissioners, is herewith transmitted: exhibiting a satisfactory account of the operations on that river and Barren, during the year. In the course of the ensuing

season, it is confidently believed that all the works to complete that line of navigation, will be finished—with the exception of the lower lock, which, in the opinion of the President of that Board, may possibly be finished also. The amount paid during the year on those rivers, is $168,680 25: and the total amount to the 10th October last, $411,874 15. Average cost of the improvement per mile now completed—a distance of eighty four miles, $1,787.

By the ninth section of the act of 1838, for the Internal Improvement of the State, it was made the duty of the Board, "to put under contract, during the present year, the necessary works for the improvement of the navigation of the Cumberland river, from the point designated by the Engineer who last surveyed the river to the Tennessee line, and to cause to be expended the money heretofore appropriated for the improvement of the same, or so much thereof as will be sufficient to remove the obstructions to a safe and convenient descending navigation."

At their meeting in May last, the Board undertook to carry the requisitions of the act into effect. The first step which was taken, was to solicit proposals for the construction of wing dams and other necessary work at Smith's Shoals, that being the mode of improvement recommended by the Engineer who made the survey mentioned in the act, and to which, it was presumed by the Board, the Legislature intended the appropriation to be applied.—Proposals were received—but the bids were so high, and exceeded so far the value of the work to be done, that the Board declined accepting them; and by a subsequent order, an assistant Engineer was dispatched on that service, with directions to commence the work as soon as practicable, and it was placed under his superintendence. The improvements consist of the removal of loose rocks, and such others as projected above the ordinary bed of the river in the boat channel, and the construction of two wing dams of timber and stone, about eighteen feet wide on the bottom, with an average height of about five feet four inches—one of them, five hundred and forty seven, and the other, five hundred and eighty seven feet long. The natural channel of the river, being about seven hundred feet wide, has been reduced to the width of about three hundred feet. The cost of the work done, up to December 1st, amounts to $3,199 69, including all expenses except superintendence.

The approach of the winter, and an apprehension that if the works yet to be done were left unfinished until the spring, they might be endangered by the floods, induced the Board to suspend any further operations for the season.

But regarding the valuable resources of the Cumberland river, and the great importance of its navigation to the people whose access to market depends upon it, the solicitudes of the Board will prompt them to apply the means provided for that purpose, with all practicable dispatch to the completion of the improvement from the mouth of Laurel to the Tennessee line, and it is the opinion of the Chief Engineer that it can be done in another year.

A difference of opinion exists, as the Board are informed, as to the amount of money authorized by the law to be expended toward effectuating the improvements just spoken of; and inasmuch as the cost of the work yet necessary to be done is estimated at $20,000, the Board recommend to the Legislature the propriety of a declaratory law, by which any misconstruction

may be obviated, and the intention of the act of the last session clearly expressed.

The attention of the Board was called, during the summer, to the improvement of the descending navigation of Goose creek and the South fork of the Kentucky River. The value of the resources in the region of country embraced by those streams, induced the Legislature, at its last session, to appropriate the sum of $6000 to improve their navigation. The policy, pursued in the first instance on the Cumberland, of inviting bids for the work, was again resorted to, but with a like result, that the prices offered were too high, and the bids were declined. The Board then appointed two gentlemen of intelligence and respectability as commissioners or superintendents, and personally interested in the success of the improvements, with authority to employ the necessary force to accomplish the objects of the law. The sum expended, at the date of the report of the superintendents, amounted to $2,171 69; and boats are now enabled to descend in greater safety and at a lower tide. Much benefit is anticipated from the expenditures of the whole sum appropriated, and the Board are of opinion, that it is due to the extensive commercial interests to be affected by the ameliorations, that they should be carried on and completed: which can be done next year.

On the occasion of the visit of the Board to the Green river works, they took measures to carry into effect, the several provisions made by law for the improvement of the descending navigation of Rough creek, Pond river and Muddy river. The improvements are to consist of removing snags and stooping timber, and other obstructions to the descent of those streams by flat boats, and it is believed will materially aid their navigation. Contracts were made, in the usual manner, for the work on the two former, and the latter was placed under the superintendence of a gentleman of experience and observation, in whose judgment and efficiency great confidence is reposed.

Examinations, as required by law, were at the same time directed to be made of Nolin, Bear and Caney creeks, preliminary to the further action of the Board in reference to them.

In the details of the various surveys which have been executed during the past year, the attention of the Legislature is solicited to the report of the Chief Engineer.

Before passing on to another branch of this report, the Board would respectfully suggest the propriety of a law, providing that the acts of each session for Internal Improvement purposes, should be classed and published under one head. Instances have occurred, and may again occur, in which the provisions of special laws have passed unexecuted, because they were not observed by the Board. The law suggested, would alleviate the responsibility of the members of the Board, and at the same time insure attention to the diversified and important interests entrusted to their care, without any hazard of being overlooked.

Turnpike Roads. No subscriptions have been made, during the year, to turnpike roads, except those heretofore commenced. The conditions on which subscriptions made by the Board, during the last year, depended, were removed in the spring, and the payments to turnpike roads have been confined to those which, at the time of the last annual report of the Board, were in the progress of construction.

It would be gratifying to the Board, to be able to report, specifically, the whole length, in miles, of road completed, and under contract in the State. The report of the Chief Engineer will show that fact as nearly as his means of information allow. Yet, for want of reports from the several turnpike companies in the State, exactness cannot be obtained. It is made the duty of those companies to report to the Board of Internal Improvement, from time to time, such information in relation to their respective roads as the Board may require: and although the Board prepared and directed circulars to the Presidents of the several companies, asking information on points connected with their condition and progress, the information has not been obtained to the extent desired, and some of them have failed to answer.

The whole amount paid to turnpike companies on the part of the Commonwealth, from the 20th November, 1837, to the 10th October, 1838, both days inclusive, is $422,237 48. In this sum, is included payments to those roads which are constructing solely at the charge of the State, without the aid of individual capital.

The whole amount paid to other objects, including the rivers, the Lexington and Ohio Railroad, Hydraulic lime, and payments on all other accounts, is $430,284 42.

The aggregate disbursements by the Board from the 20th November, 1837, to the 10th October, 1838, amounted to $852,521 90; for the details of which, reference is made to the statement A, accompanying this report.

The aggregate amount authorized to be expended by the law of the last session for Internal Improvement, is $1,250,000.

By the fifteenth section of the same act, it was made the duty of the Board to cause an estimate to be made of the surplus water "at each lock and dam now under contract on Green, Barren, Kentucky and Licking rivers, and to make out an estimate of the annual rent for which it should be let, by the Commonwealth, when the locks and dams are finished, and report the same to the Legislature." The estimate will be made and reported, as the law requires, as soon as the Board receives some information from other States which they have directed to be obtained.

In the mean time, the Board deem it proper to observe that, to that subject, regarding it as one of the utmost importance in view of the profits of the projected improvement of the rivers, their attention has been directed in an especial manner. The immense value of the water power with which the State will be furnished on the completion of the public works on the principal rivers, not only as a source of perpetual, annual revenue, but as a means, also, of enlarging her capacity for manufactures, and creating demands for all kinds of raw material adapted to manufacturing purposes, cannot, in the opinion of the Board, be too highly estimated. Few States in the American Union will then exceed Kentucky in the extent of that capacity; none, it is believed, in the efficacious application of it to all the purposes of wealth and greatness. The locks and dams, when finished to the extent of the surveys which have been made on the large rivers of the State, will probably amount to the number of fifty five. When we consider the advancement which the country is now making in wealth and population—the boundless developments which will take place, of all those resources which constitute the strength and wealth of a Commonwealth, some estimate may be made of the immense value of the mechanical power which will be created by the improvements in progress and in prospect.

When the Board met at Rumsey, they directed the principal Engineer, by an advertisement in the public prints, to invite proposals for the lease of the water power at locks number two and three, on Green river—the works at those points being then almost completed. Various bids were received and submitted to the Board at their meeting in Frankfort, on the 3d of the present month. They have accepted bids for the lease of eight powers, at lock number three, at an average annual rent of $110 for thirty years: and several other proposals were offered, which, it was deemed by the Board, most advisable to decline. On the terms which have been accepted, and for which, contracts will be forthwith prepared and executed, even if there should be no advance in future, there will be water power at the same lock, adequate, without doubt, to yield an annual revenue of $6000 to the State. If the other works now under contract on Green and Barren rivers, will produce the same extent of power, the water which can be employed, without detriment to the navigation, if put into use, will yield an annual revenue of not less than $20,000. Let these results be applied to the Kentucky and the Licking, and the upper Green river, and a basis is presented for a satisfactory estimate of the value of the whole water power which will belong to, and can be disposed of by the State, when the improvements in the navigation of those streams are consummated. The Board withhold, for the present, any further consideration of this subject. The necessary estimates, in detail, will be submitted in a specific report, to your Honorable body, as directed by the act before referred to.*

Having made those suggestions relative to the value of the water power, the Board ask the attention of the Legislature, to some estimates bearing on the probable profits of the Slackwater Improvements; and they propose to show that those profits will pay the annual interest on the debt created for the construction of the works, and in the progress of a few years, will so far increase as to constitute an annual fund which will be sufficient to pay the principal, when the debts become due. They take the Kentucky river navigation as the basis of the estimates, only because they are more familiar with its resources and commerce. Similar estimates may be made applicable to the other rivers with the same result.

Calculations founded on satisfactory data, justify the Board, as they believe, in the assumption that the coal of the Kentucky river can and will be delivered, not only along the whole line of navigation, but at the city of Louisville, for ten cents per bushel, or less: and yield to the coal merchant an adequate profit for his labor employed and capital invested. If the Kentucky coal merchants can go into the market in successful competition

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* Since this report was prepared and submitted to the Legislature, the Board has received proposals for the lease of water power on the Kentucky river, when the locks and dams shall be completed. They will be retained for consideration; but, in the mean time, it is deemed proper that the Legislature should be made acquainted with the terms proposed. For the present, it is only necessary to remark, that the bidders, who are gentlemen of the highest respectability, propose to lease eight powers for the sum of $300 per annum, for each power, (to propel one pair 4½ feet mill stones,) for thirty years; amounting, in the whole, to $2,400 per annum—equal to $72,000 for thirty years, exclusive of interest on the annual sums.

with those of the Ohio river, the Board will suppose that the Kentucky river will supply—

| | |
|---|---|
| Louisville, with tons of coal, | 40,000 |
| Lexington, | 10,000 |
| Frankfort, | 4,000 |
| Other counties and towns on the river, | 15,000 |
| A depot at the confluence of the Kentucky with the Ohio, for the supply of steamboats, ascending and descending, | 10,000 |
| Madison, Indiana, | 5,000 |
| Tons, | 84,000 |

| | |
|---|---|
| Tolls, at the rate of one dollar per ton, for the average distance, equal to about four mills per ton per mile, will produce on the quantity of coal sold, as above, | $84,000 00 |
| Ascending freight, average for the whole distance, 10,000 tons, at $2 per ton, | 20,000 00 |
| Descending freight, average for the whole distance, 20,000 tons, at $1, | 20,000 00 |
| Probable amount from all other sources of transportation, | 30,000 00 |
| | $154,000 00 |
| If to this be added the probable amount to be derived from waterpower on the Kentucky—seventeen locks and dams, averaging forty powers at each, and supposing one half to be used at a yearly rent (each) of $125—the result will be, 340 powers, at seventeen locks, equal, per annum, to | 42,500 00 |
| Total profits, | $196,500 00 |
| The cost of the Kentucky river navigation, when completed, | 2,300,000 00 |
| Interest on that sum, at six per cent. per annum, | 138,000 00 |
| Excess of profits over annual interest, | 58,500 00 |
| Deduct for toll-keepers, and all other expenses, annually, | 20,500 00 |
| Remaining, | 38,000 00 |
| This sum, with its annual interest, if carried to the Sinking fund, and well managed, will, in 30 years, produce the sum of, | $3,043,740 00 |

The preceding estimates may not be exact. Some will, without doubt, prove to be erroneous, and all of them may seem to be extravagant. But, according to the experience of other States, the above aggregate result will most probably fall short of what will be realized. Indeed the strong probability is, that in the course of several, say from ten to fifteen years, the profits of the navigation will tend rapidly to duplication; and in support of that probability, the Board exhibit the ensuing tabular statements which explain themselves.

*Abstract of the Boats that have passed, and Tolls received on the Loaisville and Portland Canal, from* 1831 *to* 1837.

| YEAR. | Steamboats. | Flat & keel boats. | Tons. | Am't rec'd for tolls. |
|---|---|---|---|---|
| | No. | No. | No. | Dolls. Cts. |
| 1831, - - - | 406 | 421 | 76,323 | 12,750 77 |
| 1832, - - - | 453 | 179 | 70,109 | 25,756 12 |
| 1833, - - - | 875 | 710 | 169,885 | 60,736 92 |
| 1834, - - - | 938 | 623 | 162,000 | 61,848 17 |
| 1835, - - - | 1,256 | 355 | 200,413 | 80,165 24 |
| 1836, - - - | 1,182 | 260 | 182,220 | 88,343 23 |
| 1837, - - - | 1,501 | 165 | 242,374 | 145,424 69 |
| | 6,611 | 2,713 | 1,103,324 | 475,025 14 |

*Statement of Tolls collected upon the State Canals of New York, Pennsylvania, Ohio, and upon the Schuylkill Navigation in Pennsylvania, from* 1818 *to* 1837.

| YEARS. | New York. | Pennsylvania. | Ohio. | Schuylkill Nav. |
|---|---|---|---|---|
| 1818, - - | – | – | – | $ 233 |
| 1819, - - | – | – | – | 1,203 |
| 1820, - - | $ 5,437 | – | – | 803 |
| 1821, - - | 14,388 | – | – | 1,792 |
| 1822, - - | 64,072 | – | – | 1,054 |
| 1823, - - | 152,958 | – | – | 1,964 |
| 1824, - - | 340,761 | – | – | 635 |
| 1825, - - | 566,112 | – | – | 15,775 |
| 1826, - - | 762,003 | – | – | 43,108 |
| 1827, - - | 859,058 | – | – | 58,149 |
| 1828, - - | 838,444 | – | – | 87,171 |
| 1829, - - | 813,137 | – | – | 120,039 |
| 1830, - - | 1,056,922 | $ 27,012 | – | 148,165 |
| 1831, - - | 1,223,801 | 38,241 | – | 134,005 |
| 1832, - - | 1,229,483 | 56,909 | – | 264,829 |
| 1833, - - | 1,463,715 | 151,419 | $ 181,954 | 325,486 |
| 1834, - - | 1,339,799 | 309,789 | 210,018 | 299,841 |
| 1835, - - | 1,548,972 | 684,357 | 232,894 | 433,643 |
| 1836, - - | 1,614,680 | 837,805 | 257,925 | 522,633 |
| 1837, - - | 1,293,129 | 975,350 | – | 604,189 |

*The quantity of Anthracite Coal mined in Pennsylvania, and carried to market, in each year, from* 1820 *to* 1837, *is as follows:*

| YEARS. | Lehigh Coal carried to market. | Schuylkill Coal carried to market. | Lackawana Coal carried to market. | Total amount carried to market. |
|---|---|---|---|---|
| | Tons. | | | |
| 1820, - | 365 | – | – | 365 |
| 1821, - | 1,073 | – | – | 1,073 |
| 1822, - | 2,240 | – | – | 2,240 |
| 1823, - | 5,823 | – | – | 5,823 |
| 1824, - | 9,541 | – | – | 9,541 |
| 1825, - | 28,393 | 5,306 | – | 33,699 |
| 1826, - | 31,280 | 16,835 | – | 48,115 |
| 1827, - | 32,074 | 29,493 | – | 61,567 |
| 1828, - | 30,232 | 47,181 | – | 77,413 |
| 1829, - | 25,110 | 78,293 | 7,000 | 110,403 |
| 1830, - | 41,750 | 89,984 | 42,000 | 173,734 |
| 1831, - | 40,966 | 81,854 | 54,000 | 176,820 |
| 1832, - | 75,000 | 209,271 | 84,500 | 368,771 |
| 1833, - | 123,000 | 250,588 | 111,777 | 485,365 |
| 1834, - | 106,244 | 224,242 | 43,700 | 374,186 |
| 1835, - | 131,250 | 335,685 | 90,000 | 556,935 |
| 1836, - | – | 432,045 | – | 696,826 |
| 1837, - | 223,902 | 523,152 | 127,485 | 874,539 |

*Length and cost of several improvements in other States, and amount of tolls received in each in* 1837: *taken from official documents.*

| DESIGNATION. | Length. | Total cost. | Cost per mile. | Tolls in 1837. |
|---|---|---|---|---|
| | Miles. | Dollars. | Dollars. | Dollars. |
| New York canals, - | 655 | 11,962,711 | 18,264 | 1,293,129 |
| Pennsylvania State canals and railroads, - | 709½ | 18,830,625 | 26,541 | 975,350 |
| Ohio canals, - - - | 406 | 5,356,150 | 13,192 | * 256,975 |
| Lehigh Navigation, - | 46¾ | 1,546,095 | 33,071 | 149,267 |
| Schuylkill Navigation, | 108 | 3,187,383 | 29,513 | 604,189 |

* Amount of tolls in 1836—the amount for 1837, not having been received.

The Board solicit the indulgence of the Legislature, while they subjoin a few general observations.

The first remark they have to make is, that when the great improvements of our navigable streams which the predecessors of your honorable body originated and sustained on a scale so comprehensive, shall be completed, according to the plan and to the extent contemplated, Kentucky will have accomplished a work which has no parallel in the policy or the achievements of any other State—more than seven hundred miles of artificial navigation for large steam vessels, at an expenditure of less than one half the cost of the same extent of canal or railroad in the United States, or as far as the Board have any knowledge, in the world. She will, when the works now under contract, shall be completed, have created such a navigation, a distance of three hundred and thirty four miles, at a less average cost per mile than the average cost per mile of her system of turnpike roads, as the following statement, taken from the records of the Board, satisfactorily shows.

| | |
|---|---|
| Average cost per mile of turnpike roads, as ascertained from the reports received into the office of the Board of Internal Improvement, - - - - - - - - - - | $6,163 00 |
| Average cost per mile of slackwater navigation, on Green and Barren rivers, and on the Kentucky and Licking, as per contracts—334 miles, - - - - - - - - - | $6,009 00 |
| Difference in favor of the latter, - - - | $154 00 |

This policy, and the incalculable advantages it secures over any other known plan of improvement, could not well have escaped the attention of the States around us: a policy the most economical—the most permanent—the most extensively and generally useful to the mass of the community—the best calculated to unfold the resources and facilitate the commercial operations of the country at large. Three great States of the Union are about to adopt the same mode of improvement. The Monongahela river has been surveyed, a distance of ninety miles from Pittsburgh to Brownsville, with a view to the construction of locks and dams for steam navigation. Ohio is doing the same thing on the Muskingum, and Indiana on the Wabash. These are high testimonials of the wisdom of the policy which the Legislature of Kentucky was the first to adopt; and the Board are gratified to believe, that your honorable body will concur with them in the expression of the hope, that the policy will be perseveringly pursued until it shall be vindicated in the judgments of all, from all doubts and misgivings, by the efficiency of its practical results upon the welfare and prosperity of the Commonwealth.

It is difficult, if not impossible, to form any adequate calculation of the value of the system so far in advance of its consummation. Figures cannot represent it. We are first to reflect that we are making works which are destined to outlive the present generation—to endure as long as the waters of the rivers they adorn shall continue to flow. We are adapting them, not alone to the present improved and improving condition of the Commonwealth. We are not constructing them, solely with the view of promoting the welfare of seven hundred thousand people, who now constitute the population of Kentucky. They are intended to be transmitted to those who

shall succeed us, along with our political institutions, as part and parcel of the inheritance we have received from our a ncestors. When we consider, therefore, that, at the end of fifty years the present population of Kentucky will probably be double what it now is; what changes are to take place in the social and commercial relations of the community—what increased demands, the duplication of our numbers and the consequent enlargement of the capital, the resources, and the commerce of the State, will assuredly create, for the means of convenient and comfortable subsistence, and the facilities of obtaining them as cheaply as possible, we may form some adequate conception of the value of the connexion which is proposed to be made of the various parts of the State with each other. Nothing is more certain, than that with the advancement of our population, the labor and industry of the country will increase, its trade and commerce expand—and all the capacities of the soil be unfolded.

The population of the States bordering on the Ohio and Mississippi rivers, may be estimated in round numbers at 2,000,000. In less than fifty years, it will, perhaps, have doubled. When that period arrives, it is too evident to require argument to prove it, that the State which shall most abound in the materials by which the comforts and wants of mankind are supplied, and shall have most enlarged its means of access to domestic and distant markets, will, beyond all others, take the lead to wealth and importance.

What will, then, be the condition of Kentucky, if she pursues the policy so auspiciously commenced?

We shall have three great navigable thoroughfares, furnishing daily intercourse with our markets and those of other States, and making those States our tributaries. These will be the arteries of the system. Communicating with them, at every necessary point, turnpike roads, will spread from the centre to the extremities, forming lines of commercial and social intercourse with every part, and diffusing a wholesome circulation throughout the Commonwealth.

If it be asked, what resources there will be to sustain the healthy action of the system, thus matured and perfected, the answer is, they are not only abundant but inexhaustible. But after so much has been, of late, communicated to the Legislature and the country, on that subject, the Board will not attempt to enlarge upon the extent of those resources.

They beg leave, in conclusion, to recommend to the Legislature, that the improvements commenced on all the rivers, be completed as soon as practicable, and that the means be provided for that purpose.

JAS. T. MOREHEAD, *President.*
SAMUEL DAVEISS,
MANLIUS V. THOMSON,
JAS. R. SKILES.

## Statement A.

*Showing the disbursement of money by the Board of Internal Improvement, from the 21st of November, 1837, to the 10th of October, 1838, including both days.*

| 1837. | | | |
|---|---|---|---|
| November | 23, To | Richmond and Lexington Road, - - | $10,173 00 |
| | 25, | Bardstown and Springfield road, - - | 1,215 00 |
| | 27, | Kentucky river navigation—Lock No. 2, | 750 00 |
| | 29, | Board of Internal Improvement of Mercer county, - - - - - - | 2,736 00 |
| | | Green river Commissioners, - - | 20,000 00 |
| December | 1, | Kentucky river navigation, S. H. Moon—salary, - - - - - - - | 60 00 |
| | 2, | Kentucky river navigation, Lock No. 1, | 1,000 00 |
| | 4, | do. do. Lock No. 3, | 900 00 |
| | 5, | M. R. Stealey, salary to 31st instant, - | 750 00 |
| | 7, | Owingsville and Big Sandy road, - - | 11,000 00 |
| | | Ky. river navigation, Lock No. 5, - | 850 00 |
| | | W. R Griffith, Commissioner of Daviess county, in pursuance of Act of Assembly, - - - - - - - | 1,000 00 |
| | | Jos. Allen, Commissioner of Breckinridge county, in pursuance of Act of Assembly, - - - - - - - - | 1,000 00 |
| | | Bridge across Richland creek, Hopkins county, in pursuance of Act of Assembly, - - - - - - - - | 100 00 |
| | 8, | Bardstown and Green river road, - | 5,661 00 |
| | | Arch. Woods, salary as member to date, | 202 00 |
| | | Louisville and Elizabethtown road, in Hardin county, - - - - - | 2,310 00 |
| | 13, | Ky. river navigation, Lock No. 4 and 5, | 2,400 00 |
| | 15, | Hydraulic lime estabishment, - - | 3,000 00 |
| | 16, | Bardstown and Louisville road, - - | 2,000 00 |
| | 18, | Ky. river navigation, Lock No. 2, - - | 600 00 |
| | 19, | Ky. river navigation, Lock No. 1, - - | 600 00 |
| | 19, | Green river Commissioners, - - - | 2,000 00 |
| | 19, | Lexington, Harrodsburg, and Perryville road, - - - - - - - - | 2,838 00 |
| | 19, | Ky. river navigation, Lock No. 2, - - | 791 00 |
| | 20, | Ky. river navigation, Thos. McLaughlin, salary, - - - - - - - | 120 00 |
| | | Ky. river navigation, freight on 210 lbs. lime, - - - - - - - | 105 00 |
| | | Ky. river navigation, Lock No. 3, - | 1,050 00 |
| | | Lexington and Ohio Railroad, - - | 13,333 34 |
| | | **Amount carried forward, - - -** | $88,544 34 |

| | | | |
|---|---|---|---|
| | | Amount brought forward, - - - | $88,544 34 |
| 1837. | | | |
| December | 21, To | James R. Skiles, salary as member to date, | 312 18 |
| | | Ky. river navigation, M. Skelton—salary, | 180 00 |
| | 22, | Ky. river do. freight on lime, - | 900 00 |
| | 22, | Louisville and Elizabethtown road, Jefferson county, - - - - - | 750 00 |
| 1838. | | | |
| January | 1, | Ky. river navigation, Lock No. 4, - - | 300 00 |
| | 1, | do. do. Lock No. 5, - | 200 00 |
| | 1, | Versailles and Anderson county road, - | 570 00 |
| | 1, | Ky. river navigation, S. H. Moon, salary, | 60 00 |
| | 1, | Austin P. Cox, salary to date, fourth qr., | 250 00 |
| | 1, | Sylvester Welch, do. do. - | 1,000 00 |
| | 1, | N. B. Buford, do. do. - | 625 00 |
| | 1, | Antes Snyder, do. do. - | 625 00 |
| | 1, | David Mitchell, jr., salary to date—third and fourth quarter, - - - - | 600 00 |
| | 1, | Charles F. Taylor, salary to date—fourth quarter, - - - - - - - | 200 00 |
| | 2, | Ky. river navigation, freight on lime, - | 650 00 |
| | 2, | Muldrow's Hill, - - - - - | 1,500 00 |
| | 2, | Board of Internal Improvement of Scott county, - - - - - - - | 600 00 |
| | 2, | Ky. river navigation, Lock No. 3, - | 800 00 |
| | 2, | do. do. Lock No. 3, - - | 571 00 |
| | 3, | G. R. Eichbaum, salary to 31st ult., fourth quarter, - - - - - - - | 325 00 |
| | 4, | Board Internal Improvement of Lincoln county, - - - - - - - | 4,600 00 |
| | 4, | Mount Sterling and Maysville road, - | 6,810 00 |
| | 4, | Ky. river navigation, Lock No. 1, - | 500 00 |
| | 4, | Frankfort, Lexington & Versailles road, | 344 00 |
| | 5, | Danville, Lancaster and Nicholasville road, - - - - - - - | 600 00 |
| | 6, | Winchester and Lexington road, - - | 900 00 |
| | 6, | Ky. river navigation, Lock No. 4, - | 600 00 |
| | 9, | John Green, salary as member, - - | 21 00 |
| | 10, | Bardstown and Springfield road, - - | 1,200 00 |
| | 10, | Bardstown and Green river road, - | 5,661 00 |
| | 10, | Lexington and Ohio Railroad, - - | 36,666 67 |
| | 11, | Board of Internal Improvement of Scott county, - - - - - - - | 300 00 |
| | 13, | Ky. river navigation, Lock No. 5, - - | 1,200 00 |
| | 15, | Ky. river navigation, Lock No. 1, - - | 420 00 |
| | 20, | Ky. river navigation, M. Skelton, salary, | 60 00 |
| | 20, | Ky. river navigation, Lock No. 5, - | 1,000 00 |
| | 23, | Hydraulic lime establishment, - - | 2,000 00 |
| | 23, | Bardstown and Green river road, - | 2,252 00 |
| | | Amount carried forward, - - - | 164,697 19 |

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| | | | Amount brought forward, - - | 164,697 19 |
| 1838. | | | | |
| January | 24, | To | J. M. Bullock, expenses of trip to Louisville, to negotiate loan with Banks, - | 105 00 |
| | 25, | | Ky. river navigation, Lock No. 1, - | 650 00 |
| | 25, | | Ky. river navigation, G. Stealey, salary, | 131 00 |
| | 25, | | Ky. river navigation, freight on lime, - | 1,000 00 |
| | 26, | | Expenses of examination for hydraulic lime, - - - - - - - | 364 18 |
| | 26, | | Ky. river navigation, bal. line of levels, | 49 50 |
| | 26, | | J. Sterrett, commissioner of Hancock, county, in pursuance of Act of Assembly, - - - - - - - | 1,000 00 |
| | 26, | | W. Rankin, commissioner of Henderson county, in pursuance of Act of Assembly, - - - - - - - - | 1,000 00 |
| | 27, | | Ky. river navigation, Lock No. 2. - - | 900 00 |
| | 27, | | Ky. river navigation, Lock No. 3, - | 500 00 |
| | 31, | | Covington and Georgetown road, - | 2,000 00 |
| | 31, | | Owingsville and Big Sandy road, - - | 16,500 00 |
| February | 1, | | Ky. river navigation, Lock No. 5, - | 800 00 |
| | 1, | | do. do Lock No. 4, - - | 640 00 |
| | 6, | | do. do. S. H. Moon, salary, | 60 00 |
| | 8, | | do. do. Lock No. 1, - | 300 00 |
| | 8, | | do. do. Lock No. 4, - | 1,391 00 |
| | 8, | | do. do. Lock No. 5, - | 231 00 |
| | 9, | | Lexington and Ohio Railroad. - - | 10,000 00 |
| | 9, | | Danville, Lancaster & Nicholasville road, | 9,773 00 |
| | 12, | | Bardstown and Springfield road, - - | 4,100 00 |
| | 12, | | Hydraulic lime establishment, - - | 3,000 00 |
| | 12, | | Versailles and Anderson road, - - | 1,440 00 |
| | 12, | | Green river commissioners, - - | 15,000 00 |
| | 13, | | Muldrow's Hill, - - - - - | 200 00 |
| | 14, | | Maysville road—for benefit of sinking fund com'rs—(*see note, end of Report,*) | 634 48 |
| | 16, | | Louisville and Elizabethtown road—Hardin county, - - - - - - | 3,000 00 |
| | 17, | | Board of Internal Improvement of Scott county, - - - - - - | 500 00 |
| | 20, | | Ky. river navigation, freight on lime, - | 1,342 38 |
| | 20, | | H. J. Eastin, fourth quarter, salary to 31st December, - - - - - | 40 0 00 |
| | 28, | | Ky. river navigation, McLaughlin, salary, | 120 00 |
| March | 2, | | do. do. Lock No. 2, - | 700 00 |
| | 3, | | do. do. Lock No. 3, - | 700 00 |
| | 3, | | Land, and expenses of condemning, - | 230 00 |
| | 3, | | S. H. Moon, salary, - - - - | 60 00 |
| | 3, | | A. Woods, salary as member to date, - | 97 75 |
| | 3, | | J. R. Skiles, salary as member to date, - | 139 00 |
| | | | Amount carried forward, - - - | 243,755 48 |

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| | | | Amount brought forward, - - - | 243,755 48 |
| 1838. | | | | |
| March | 8, | To | Ky. river navigation, Lock No. 5, - | 1,000 00 |
| | 8, | | Ky. river navigation, Lock No. 4, - | 900 00 |
| | 13, | | J. M. Bullock, to expenses Eastward to sell bonds, - - - - - - | 600 00 |
| | 13, | | Versailles and Anderson county road, - | 905 00 |
| | 22, | | Hydraulic lime establishment, - - | 3,000 00 |
| | 29, | | Board of Internal Improvement of Franklin county, Georgetown road, - - | 220 00 |
| April | 1, | | C. F. Taylor, first quarter, salary, - | 200 00 |
| | 1, | | J. S. Evans, services as draughtsman, &c. | 424 00 |
| | 1, | | Austin P. Cox, first quarter, salary, - | 250 00 |
| | 3, | | Green river commissioners, - - | 10,000 00 |
| | 3, | | S. Welch, first quarter, salary, - - | 1,000 00 |
| | 3, | | N. B. Buford, first quarter, salary, - | 625 00 |
| | 3, | | W. B. Foster, jr., 4th and 1st qr., salary, | 1,250 00 |
| | 3, | | Antes Snyder, first quarter, salary, - | 625 00 |
| | 3, | | H. J. Eastin, first quarter, salary, - | 400 00 |
| | 3, | | G. R. Eichbaum, first quarter, salary, - | 325 00 |
| | 3, | | David Mitchell, jr., first quarter, salary, - | 300 00 |
| | 3, | | Winchester and Lexington road, - - | 2,645 00 |
| | 3, | | do. (see act of Assembly,) | 3,000 00 |
| | 3, | | Ky. river navigation, Lock No. 3, - | 900 00 |
| | 3, | | Ky. river navigation, Lock No. 1, - - | 190 00 |
| | 3, | | Ky. river navigation, Lock No. 5, - | 1,350 00 |
| | 3, | | Ky. river navigation, Lock No. 2, - - | 850 00 |
| | 3, | | Mt. Sterling and Maysville road, - - | 2,849 00 |
| | 4, | | Board of Internal Improvement of Lincoln county, - - - - - - | 1,220 00 |
| | 4, | | Ky. river navigation, Lock No. 4, - | 1,100 00 |
| | 4, | | Ky. river navigation, M. Skelton, salary, | 180 00 |
| | 5, | | Winchester and Lexington road—(see act of Assembly,) - - - - | 3,000 00 |
| | 6, | | Lexington, Harrodsburg and Perryville road, - - - - - - - | 2,562 00 |
| | 6, | | Chilton Allan, expenses, - - - | 190 00 |
| | 10, | | Ky. river navigation, freight on lime, - | 1,600 00 |
| | 12, | | Bardstown and Green river road, - | 4,000 00 |
| | 14, | | Hydraulic lime establishment, - - | 5,000 00 |
| | 14, | | Winchester and Lexington road—(see act of Assembly,) - - - - | 6,000 00 |
| | 17, | | Green river commissioners, J. G. Pitts, award of referees, - - - - | 362 25 |
| | 21, | | Board of Internal Improvement of Mercer county, - - - - - - | 1,518 00 |
| | 27, | | Covington and Georgetown road, - - | 1,000 00 |
| | 30, | | Ky. river navigation, Lock No. 3, - | 1,000 00 |
| | 30, | | Ky. river navigation, Lock No. 1, - | 1,000 00 |
| | | | Amount carried forward, - - - | 307,295 73 |

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| | | Amount brought forward, - - - | $307,295 73 |
| 1838. | | | |
| April | 30, To | Ky. river navigation, Lock No. 2, - | 1,000 00 |
| May | 1, | Licking river navigation, expenses of survey, - - - - - - - - | 173 75 |
| | 1, | Mt. Sterling and Virginia line road, expenses of survey, - - - - | 38 00 |
| | 1, | Ky. river navigation, Lock No. 4, - - | 2,350 00 |
| | 1, | Ky. river navigation, S. H. Moon, salary, | 120 00 |
| | 1, | M. R. Stealey, one quarter, salary, - | 750 00 |
| | 2, | Ky. river navigation, Lock No. 5, - - | 1,960 00 |
| | 5, | Muldrow's Hill, - - - - - | 200 00 |
| | 7, | Ky. river navigation, Th. McLaughlin, salary, - - - - - - - | 120 00 |
| | 10, | Richmond and Lexington road, - - | 1,500 00 |
| | 11, | Green river Commissioners, referees in case of Pitts, - - - - - | 150 00 |
| | 11, | Ky. river navigation, freight on lime, - | 930 00 |
| | 11, | Ky. river navigation, Lock No. 1—(see act,) - - - - - - - - | 3,000 00 |
| | 11, | Hydraulic lime establishment, - - | 3,000 00 |
| | 11, | Hydraulic lime manufactured at Tarascons' mills, - - - - - | 342 78 |
| | 11, | Owingsville and Big Sandy road, - | 10,000 00 |
| | 12, | Bardstown and Green river road, - | 1,954 00 |
| | 12, | Bardstown and Springfield road, - - | 350 00 |
| | 14, | Muldrow Hill, - - - - - - | 800 00 |
| | 15, | P. Swigert, for purchasing land on Ky., | 100 00 |
| | 16, | Versailles and Anderson road, - - | 965 00 |
| | 21, | Lawrenceburg and Hardinsville road, - | 2,000 00 |
| | 26, | Mt. Sterling and Maysville road, - - | 4,500 00 |
| | 26, | Danville, Lancaster and Nicholasville, - | 3,000 00 |
| | 26, | Lexington, Harrodsburg and Perryville, | 3,500 00 |
| | 26, | Green river commissioners, - - - | 20,000 00 |
| | 26, | Ky. river navigation, Lock No. 1, - - | 540 00 |
| | 26, | do. do. do. No. 3, - - | 800 00 |
| | 26, | do. do. do. No. 2, - - | 900 00 |
| | 31, | do. do. do. No. 4, - - | 1,750 00 |
| | 31, | do. do. do. No. 5, - - | 1,300 00 |
| | 31, | Ky. river navigation, Geo. Stealey, salary, | 300 00 |
| June | 1, | Ky. river navigation, S. H. Moon, salary, | 60 00 |
| | 2, | Ky. river navigation, freight on lime, - | 977 00 |
| | 10, | Versailles and Anderson road, - - | 800 00 |
| | 11, | Lexington, Harrodsburg and Perryville road, - - - - - - - | 1,300 00 |
| | 11, | Bardstown and Green river road, - | 12,530 00 |
| | 12, | Louisville and Elizabethtown road, Hardin county, - - - - - - | 10,000 00 |
| | 12, | Hydraulic lime establishment, - - | 8,000 00 |
| | | Amount carried forward, - - - | 411,356 26 |

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| | | Amount brought forward, - - - | 411,356 26 |
| 1388 | | | |
| June | 15, To | Covington and Georgetown road, - | 2,000 00 |
| | 16, | Ky. river navigation, Lock No. 1, - | 300 00 |
| | 18, | do. do. freight on lime, - | 386 00 |
| | 20, | Lexington, Harrodsburg and Perryville road, - - - - - - - | 5,200 00 |
| | 20, | Board of Internal Improvement of Mercer county, below Salvisa, - - - | 2,908 00 |
| | 20, | Board of Internal Improvement of Mercer county, above Salvisa, - - - | 3,048 00 |
| | 22, | Green river, J. R. Skiles, - - - | 12,000 00 |
| | 22, | Green river, S. Stout, - - - - | 8,000 00 |
| | 28, | Lawrenceburg and Hardinsville road, - | 1,200 00 |
| | 28, | Danville, Lancaster and Nicholasville, - | 5,145 00 |
| | 28, | Board of Internal Improvement of Anderson county, - - - - - - | 4,000 00 |
| | 28, | Mt. Sterling and Maysville road, - - | 8,700 00 |
| | 28, | Elizabethtown and Bell's tavern road, - | 11,800 00 |
| | 29, | Bardstown and Green river road, - | 20,000 00 |
| | 30, | S. Welch, second quarter, salary, - - | 1,000 00 |
| | 30, | M. R. Stealey, second quarter, salary, - | 750 00 |
| | 30, | A. Snyder, second quarter, salary, - | 625 00 |
| | 30, | N. B. Buford, second quarter, salary, - | 625 00 |
| | 30, | H. J. Eastin, second quarter, salary, - | 400 00 |
| | 30, | Austin P. Cox, second quarter, salary, - | 250 00 |
| | 30, | Ky. river navigation, Lock No. 1, - - | 1,590 00 |
| July | 2, | Ky. river navigation, Lock No. 2, - - | 2,650 00 |
| | 2, | G. R. Eichbaum, second quarter, salary, - | 325 00 |
| | 2, | M. V. Thomson, salary as member to date, - - - - - - - - | 62 00 |
| | 2, | Arch. Woods, salary as member to date, | 101 50 |
| | 3, | Ky. river navigation, Lock No. 3, - - | 2,300 00 |
| | 3, | Ky. river navigation, Lock No. 4, - | 3,250 00 |
| | 4, | Ky. river navigation, Th. McLaughlin, salary, - - - - - - - | 120 00 |
| | 5, | Ky. river navigation, Lock No. 5, - - | 1,900 00 |
| | 5, | Ky. river navigation, S. H. Moon, salary, | 60 00 |
| | 5, | Ky. navigation, M. Skelton, salary, - | 180 00 |
| | 6, | Lexington, Harrodsburg and Perryville road, - - - - - - - - | 2,665 00 |
| | 6, | D. Mitchell, jr., various expenses, - - | 179 72 |
| | 11, | Muldrow Hill, - - - - - - | 500 00 |
| | 11, | Green river commissioners, J. R. Skiles, - | 12,000 00 |
| | 11, | Green river commissioners, S. Stout, - | 8,000 00 |
| | 14, | Ky. river navigation, Lock No. 1, - - | 650 00 |
| | 16, | Lime establishment, andat Tarascons, - | 6,200 00 |
| | 18, | B. W. Ballard, rodman, &c. to 30th Apl., | 484 00 |
| | | Amount carried forward, - - | 542,910 48 |

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| | | Amount brought forward, - - - | 542,910 48 |
| 1838. | | | |
| July | 23, | To J. S. Evans, draughtman, &c. to 15th instant, - - - - - - | 408 50 |
| | 24, | W. B. Foster, jr., second quarter, salary, | 625 00 |
| | 24, | Surveys of North and Middle fork of Ky. river, - - - - - - | 1,016 57 |
| | 24, | W. P. Loomis, for Theodolite, &c. - | 350 00 |
| | 25, | Bardstown and Green river road, - | 44,000 00 |
| | 27, | Owingsville and Big Sandy road, - - | 15,000 00 |
| August | 6, | Licking river navigation, Lock No. 5, - | 787 00 |
| | 6, | Licking river navigation, Lock No. 3, - | 1,420 00 |
| | 6, | Louisville and Elizabethtown road, Hardin county, - - - - - | 1,589 00 |
| | 6, | Ky. river navigation, freight on lime, - | 1,876 87 |
| | 6, | C. F. Taylor, to remove obstructions at Smith's Shoals, Cumberland river, - | 2,000 00 |
| | 6, | Ky. river navigation, Lock No, 4, - - | 3,985 00 |
| | 6, | do. do. Lock No. 5, - | 1,750 00 |
| | 6, | do. do. Lock No. 1, - | 1,421 00 |
| | 6, | Ky. river navigation, Geo. Stealey, salary, | 120 00 |
| | 6, | Ky. river navigation, Lock No. 3, - - | 2,500 00 |
| | 8, | Green river commissioners, freight on lime, - - - - - - | 1,168 00 |
| | 11, | Bardstown and Springfield road, - - | 4,450 00 |
| | 14, | Licking river navigation, Lock No. 1, - | 536 40 |
| | 14, | do. do. Lock No. 2, - | 808 65 |
| | 14, | do. do. Lock No. 3, - | 504 00 |
| | 14, | Board of Internal Improvement of Franklin county, Lawrenceburg and Hardinsville road, - - - - - - - | 800 00 |
| | 15, | Board of Internal Improvement of Mercer county, below Salvisa, - - - | 1,700 00 |
| | 15, | Board of Internal Improvement of Mercer county, above Salvisa, - - | 1,707 00 |
| | 15, | Board of Internal Improvement of Lincoln county, - - - - - - | 2,400 00 |
| | 15, | Lexington, Harrodsburg and Perryville road, - - - - - - - | 2,500 00 |
| | 15, | Ky. river navigation, Lock No. 1, - | 680 00 |
| | 15, | A. Snyder, to improve Goose creek and South fork Ky. river, - - - | 2,000 00 |
| | 15, | Green river commissioners, J. R. Skiles, | 12,000 00 |
| | 15, | Green river commissioners, S. Stout, - | 8,000 00 |
| September | 8, | Green river commissioners, S. Stout, - | 8,000 00 |
| | 8, | Green river commissioners, J. R. Skiles, | 12,000 00 |
| | 8, | Bell's tavern and Bowlinggreen road, - | 535 00 |
| | 8, | Lime manufactured at Tarascons' mills, - | 2,145 42 |
| | 8, | Licking river navigation, Lock No. 3, - | 838 08 |
| | | Amount carried forward, - - - | 684,531 97 |

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| | | Amount brought forward, - - - | | 684,531 97 |
| 1838 | | | | |
| September | 8, To | Licking river navigation, Lock No. 1, - | | 472 05 |
| | 8, | do. do. Lock No. 2, - | | 921 08 |
| | 8, | do. do. Lock No. 4, - | | 569 19 |
| | 8, | do. do. Lock No. 1, - | | 1,768 06 |
| | 8, | Glasgow and Scottsville road, - - | | 17,000 00 |
| | 8, | Muldrow Hill, - - - - - | | 1,000 00 |
| | 8, | Bowlinggreen and Tennessee line road, - | | 723 00 |
| | 8, | Board of Internal Improvement of Scott county, - - - - - - | | 1,075 00 |
| | 8, | White & Garrard, Goose creek, &c., - | | 500 00 |
| | 8, | Ky river navigation, Lock No. 1, - - | | 500 00 |
| | 8, | do. do. Lock No. 2, - - | | 3,882 00 |
| | 8, | do. do. Lock No. 3, - - | | 2,274 00 |
| | 8, | do. do. Lock No. 4, - - | | 3,500 00 |
| | 8, | do. do. Lock No. 5, - - | | 3,190 00 |
| | 10, | Owingsville and Big Sandy road, - - | | 15,200 00 |
| | 13, | Danville, Lancaster & Nicholasville road, | | 12,336 00 |
| | 13, | Ky. river navigation, Lock No. 1, - - | | 500 00 |
| | 14, | C. F. Taylor, second qr., salary, - - | | 200 00 |
| | 14, | Covington and Georgetown road, - - | | 1,000 00 |
| | 15, | Ky. river navigation, Lock No. 1, - - | | 1,572 00 |
| | 17, | Lexington, Harrodsburg and Perryville road, - - - - - - | | 4,647 00 |
| | 20, | Pikeville and Sounding gap road, - - | | 1,000 00 |
| | 20, | Hydraulic lime establishment, - - | | 5,000 00 |
| | 22, | Versailles and Anderson county road, - | | 1,860 00 |
| | 24, | Elizabethtown and Bell's tavern road, - | | 4,270 00 |
| | 27, | Board of Internal Improvement of Mercer county, - - - - - | | 8,256 00 |
| | 29, | Board of Internal Improvement of Franklin county, Lawrenceburg and Hardinsville road, - - - - - - | | 400 00 |
| | 29, | Board of Internal Improvement of Anderson county, - - - - - | | 1,000 00 |
| | 29, | Antes Snyder, third quarter, salary, - | | 625 00 |
| | 29, | Austin P. Cox, third quarter, salary, - | | 250 00 |
| | 29, | S. Welch, third quarter, salary, - - | | 1,000 00 |
| | 29, | M. R. Stealey, third quarter, salary, - | | 750 00 |
| October | 1, | H. J. Eastin, third quarter, salary, - - | | 400 00 |
| | 1, | D. Mitchell, jr., 2d & 3d quarter, salary, | | 600 00 |
| | 1, | N. B. Buford, third quarter, salary, - | | 625 00 |
| | 1, | Bardstown and Green river road, - | | 15,300 00 |
| | 1, | Ky. river navigation, S. H. Moon, salary, | | 120 00 |
| | 1, | do. do. Lock No. 2, - | | 2,800 00 |
| | 1, | do. do. Lock No. 3, - - | | 1,230 00 |
| | 2, | do. do. Lock No. 4, - | | 4,200 00 |
| | 2, | do. do. Lock No. 1, - | | 2,570 00 |
| | | Amount carried forward, - - - | | 809,617 35 |

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| | | Amount brought forward, - - - | 809,617 35 |
| 1838. | | | |
| October | 2, To | Ky. river, to pay for Haydon's land, at Lock No. 1, - - - - - - | 586 17 |
| | 4, | Ky. river, Lock No. 4, - - - - | 2,500 00 |
| | 4, | Ky. river, S. H. Moon, salary, - - | 60 00 |
| | 4, | Antes Snyder's expenses, - - - | 147 75 |
| | 4, | Green river commissioners, J. R. Skiles, | 12,000 00 |
| | 4, | Green river commissioners, S. Stout, - | 8,000 00 |
| | 6, | Covington and Georgetown road, - | 1,000 00 |
| | 6, | Licking river navigation, Lock No. 1, - | 950 39 |
| | 6, | Licking river navigation, Lock No. 2, - | 662 35 |
| | 6, | Licking river navigation, Lock No. 4, - | 397 08 |
| | 6, | Licking river navigation, Lock No. 3, - | 428 81 |
| | 8, | Danville, Lancaster and Nicholasville road, - - - - - - - | 1,500 00 |
| | 8, | Ky. river navigation, J. S. Evans, salary, | 152 00 |
| | 10, | Lexington, Harrodsburg and Perryville road, - - - - - - - | 7,300 00 |
| | 10, | Mt. Sterling and Maysville road, - - | 1,000 00 |
| | | | $846,301 90 |
| Unsettled balances in hands of Engineers, &c., - - | | | 6,220 00 |
| | | | $852,521 90 |

NOTE.—It was reported last year, that the sum due from the State to the Maysville, Washington, Paris and Lexington turnpike road, viz: $213,000 was fully paid, and that $12,775 87 had been paid by the State's portion of tolls in said road. It was subsequently ascertained that only $12,141 39 should have been so applied; the balance, $634 48, belonged, under the law, to the Sinking Fund Commissioners, to whom it has been paid, as here stated.

# REPORT

OF THE

# CHIEF ENGINEER OF KENTUCKY,

FOR 1838.

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ENGINEER'S OFFICE,
*Frankfort, December 12th*, 1838.

To the Hon. JAMES T. MOREHEAD,
*President of the Board of Internal Improvement of Ky.*

SIR—I have the honor to submit for the information of the Board, the following report of the condition and progress of the public works under my superintendence; also the reports of the several Resident and Assistant Engineers.

The Engineer corps, as directed by an order of the Board, of the 17th of February last, has been continued as organized in 1837.

Surveys have been made, during the year, of the Big Sandy river and West Fork: of the North and Middle Forks of the Kentucky river: of the turnpike road from Glasgow through Scottsville to the Tennessee line—and of the greater part of the line of road from Louisville via Elizabethtown, Munfordsville, Bell's tavern, Bowlinggreen and Franklin, to the Tennessee line.

*Big Sandy river and West Fork.*—By direction of the President of the Board, Mr. Buford was instructed, early in April, to organize a surveying party and commence the examinations of this stream as soon as the state of the water would permit. The river was to be surveyed from Pikeville to its junction with the Tug Fork, and thence to the mouth, at Catlettsburg.

The distance from Pikeville to Louisa, at the junction of the West end of Tug Forks, is 89¾ miles, and from Louisa to the mouth of the river, 26¼, making in all 116 miles. The whole descent, is 146½ feet, or a little more than 1 foot 3 inches in a mile. The width of the river from Pikeville to Prestonsburg, avarages a little less than 200 feet, and from Prestonsburg to Louisa, about 200 feet. Along some part of the distance, the bottoms are not more than 20 or 25 feet high; but they are, generally, between 40 and 50 feet. The average width of the valley, between the hills, does not exceed 600 or 700 yards; in some places it is wider.

From Louisa to the mouth of the river, the channel is from 3 to 400 feet wide. The valley between the hills is considerably wider than that along the West Fork. The bottoms are generally from 45 to 50 feet high above the low water plane, and somewhat higher near the Ohio.

The descent in the river, is mostly at the ripples. Between these, when the water is low, there are long level pools. The fall, in the ripples, is from 3 or 4 inches to 4 or 5 feet. The length of those which have the greatest fall, is from 1000 to 3000 feet.

The ripples constitute the principal obstruction to the ascent of small boats, (keel boats or barges,) when the water is low. The boats carry from 5 to 20 tons, according to the state of the water. When the water is low, the depth on the ripples is reduced to a few inches, and boats cannot pass over. Mr. Eichbaum, the assistant Engineer, who made the survey, under the direction of Mr. Buford, recommends the cutting of a channel, through each ripple, wide enough for the convenient passage of boats. This plan might be of some advantage where the bed of the river, in the ripples, is fixed rock; but where it is gravel, or loose rock, such a channel would wear away, and change so much, in a short time, as to render it useless for navigation.

To remove the snags and loose rocks, and to cut away such points of fixed rock, upon the ripples, as project above the common level of the river bottom, would be the only improvement which, in my opinion, can be made, at a reasonable expense, to facilitate the ascent of boats in low water, or at a common stage of water.

The river is obstructed, to a considerable extent, by leaning trees and snags, which impede the passage of steamboats and of descending flatboats. If these obstacles were removed, steamboats could ascend, during freshets, as far up as Prestonsburg, and perhaps to Pikeville. One steamboat, has ascended the river to a point 15 miles above Prestonsburg. Other steamboats have ascended to Louisa, and above.

There appears to be no practicable road, from Pikeville and Prestonsburg to the mouth of Big Sandy, or to any convenient point on the Ohio; and the river is the principal channel of communication, between the counties of Pike, Floyd and Lawrence, and the Ohio. The expenditure of about eight or ten thousand dollars between Pikeville and Catlettsburg, would remove the principal obstacles to the passage of steam and flatboats; and would so improve the shoals as to facilitate the passage of keelboats, and perhaps increase the length of time during which they could navigate the river.

Iron ore is found in considerable quantities, along the river; and coal is found along its whole extent, from Pikeville to the mouth. At Prestonsburg, beds are opened, from 3 feet to 4 feet 6 inches thick: as far down as Tom's creek, they are represented to be 3 feet thick. Further down, the beds are thinner. The coal is said to be of good quality.

Mr. Eichbaum estimates the cost of improving the river, according to the plan which he recommends, at $25,222; viz: from Pikeville to Prestonsburg, $8,774; from Prestonsburg to Louisa, $15,348; and from Louisa to the mouth of the river, $1,100.

*North and Middle Fork of the Kentucky river.*—In compliance with an order of the President of the Board of Internal Improvement, surveys have

been made, under the direction of Wm. B. Foster, Resident Engineer, of the North and Middle Forks. The South Fork was surveyed in 1837.

*North Fork.*—This stream was surveyed, from its junction with the Middle Fork, as far up as the mouth of Leatherwood creek, (Brashear's salt-works,) a distance, by the course of the river, of one hundred and twenty one and three tenths miles.

From the Middle Fork to the mouth of Troublesome creek, 55 miles, the ascent is 93 feet, or about 1.7 feet per mile. The average width of the channel is about 200 feet, except through the Narrows, where it is from 130 to 150 feet wide. The common bottoms are from 35 to 50 feet above low water. From the mouth of Troublesome creek to the mouth of Leatherwood, 66.4 miles: the ascent is 204 feet, or a little more than 3 feet to the mile. The average width of the channel, along this part of the river, is about 120 feet. The bottoms or flats, are generally not more than from 30 to 35 feet high above the low water plane. The bottoms, where they occur, along the whole extent of the survey, are narrow; seldom exceeding a quarter of a mile in width. The hills, above Troublesome creek, are four or five hundred feet high; below, their height is not so great. There is no low or marshy ground, which would be injured by the formation of slackwater navigation.

Between the Middle Fork and the mouth of Troublesome creek, the channel of the river is sufficiently straight, and wide enough to be navigated, conveniently, by small steamboats: above the mouth of Troublesome creek, it is more crooked and not so wide, and as the ascent is considerable, the pools between the dams, would be short, and steamboats could not be used with advantage. The navigation, could, however, be extended as far up as Hazard, or perhaps farther, if the business of the country should ever require it. A towing path would be required, in order that boats &c. might be propelled by horses. Convenient sites may be obtained for all the locks and dams required to form a slackwater navigation; and in general, rock foundations can be obtained to build upon. The bottoms are high enough to allow the lifts to be from 10 to 16 feet. Above the mouth of Troublesome creek, the lifts should not exceed 10 or 12 feet.

Building materials, as stone and timber, are abundant, and can be easily procured.

Mr. Foster estimates the cost of a slackwater navigation from the junction of the North and Middle Forks to the mouth of Troublesome creek, 55 miles, as follows:

| | |
|---|---|
| 99 feet lockage, including dams, &c. at $4,500 per foot, - | 445,500 |
| Clearing banks of river 55 miles, at $100 per mile, - - | 5,500 |
| Clearing channel of rocks, &c., - - - - - | 6,000 |
| | $457,000 |
| Add for contingencies 10 per cent, - - - - | 45,700 |
| | $502,700 |

Average cost per mile, $= \frac{502700}{55} =$ $9,140.

To extend the navigation as far up as Hazard, or the mouth of Leatherwood creek, the cost per mile would be considerably increased on account of the increased lockage. If a towing path would be made, it would add still further to the expense. The lockage from the mouth of Troublesome creek to the mouth of Leatherwood, would be 204 feet, and the cost per foot lift, for the locks and dams would be about $4000—which would make for the whole lockage $816,000. Add to this the expense of clearing the banks and channel of the river; the cost of superintendence and contingent expenses, (not including a towing path,) would make the aggregate cost of the 66.4 miles about $1,000,000—or a little more than $15,060 per mile.

Coal is now carried out of this river in flatboats, some from a mine near Hazard, and from several points below. Rafts of timber also descend the river. The descending navigation could be considerably improved, by the removal of rocks, &c.

Coal was found along the whole extent of the river, or as far as the survey was carried. Along the Narrows, and on the greater part of the distance between the Middle Fork and War creek, the beds or layers which crop out near the river, are thin. Between War creek and Brashear's saltworks, coal beds from three to five feet thick, crop out along the face of most of the hills. In some places the thick beds of coal, are low down near the river, in others, they are some two or three hundred feet above the water.

Near the mouth of Troublesome creek, there is a bed of coal, about 275 feet above the river, from 3½ to 4½ feet thick. About 3 feet of this, is of the kind called cannel coal, very hard, and burns freely with a white flame.—The balance of the bed is common bituminous coal, but of a superior quality.

Iron ore was found, in small quantities, in several places, in the beds of shale or slate. No large beds were observed.

Several salt wells have been bored, from which salt has been manufactured, upon the North Fork. One near the mouth of Troublesome creek, from which salt is now made; also one at the mouth of Leatherwood, (Brashear's.) There are two, about 6 miles from Troublesome creek, which have been abandoned. At Hazard, there is a well not yet finished. The saltwells upon this river have not, thus far, been very productive.

*Middle Fork.*—This river was surveyed, from its junction with the North Fork, to the point where the road leading from Hazard to Manchester, crosses it, a distance of 68 miles. The ascent, in this distance, is 169 feet, or nearly 2½ feet to the mile.

The valley through which this Fork runs, is narrow, and the hills which enclose it, are high. As the North Fork is upon one side, and the South Fork upon the other, at no great distance: the country which it drains is not very extensive. On the lower ten miles, the bottoms or flats, are about 35 or 40 feet high, and for the most part, are wide enough for cultivation; above this they are narrower, and not more than 25 or 30 feet high.

On the lower ten miles the channel of the river averages about 100 feet wide: further up, it is wider, and will average about 130 feet, as far as the survey was carried. The channel is a good deal obstructed by rocks and old timber, upon the lower part of the river, and by islands in the upper part. Flatboats, laden with coal, however, pass out during freshets, also rafts of timber.

This stream is too small and crooked to be navigated by steamboats. A navigation for boats to be towed by horses can be made at a reasonable expense, whenever the exigencies of the country shall require it.

A continuous slackwater navigation, would be best adapted to the river, and also to the trade, which would consist principally of coal. The banks of the river are not adapted to the construction of a canal.

A good slackwater navigation, large enough for such boats as would be used for the conveyance of coal upon the Kentucky river, would cost about $4000 per foot lift, and the whole cost of a navigation from the mouth of the river to the Manchester and Hazard road, would be about $750,000.

Coal beds occur along the whole extent of this river, or at least as far as it was examined, but they are not, generally, so thick as those upon the North Fork. Several of the beds which are open, measure about 3 feet. One or two near the upper part of the survey, measured about 4 feet thick or deep.

Small quantities of iron ore were found imbedded, as upon the North Fork, in the shale or slate rock, but no large deposites were observed.

The country along the North and Middle Forks, will furnish for transportation, coal, timber, and perhaps some iron. As the coal beds are supposed to extend all over the country, within the limits of the coal field, the supply may be regarded as inexaustible, and the trade in coal will be perpetual. The quantity sent to market will be regulated by the demand.

*Cumberland river.*—At a meeting of the Board on the 12th of May last, it was ordered that the Chief Engineer, in compliance with the 9th section of an act further to provide for the Internal Improvement of the State, approved February 16th, 1838, be directed, as soon as the state of thewater will permit, to lay out and put under contract such work as, in his judgment, may be necessary for the improvement of the descending navigation of the Cumberland river, from the mouth of Laurel river to the Tennessee line. And it was further ordered; that if, in the opinion of the President of the Board and the Chief Engineer, it shall be deemed expedient to appoint a Superintendent with authority to employ laborers, and procure the necessary boats and implements, to cut away the timber and to make the improvements between the mouth of the Big South Fork and the Tennessee line, that they have authority to appoint such Superintendent, and authorize him to employ laborers and to procure whatever may be deemed necessary by the Engineer for the execution of the work, &c.

Soon after the above order was made, it was ascertained that an agent, acting under instructions from the United States' Engineer Department, was making preparations to cut away the leaning timber and to remove the obstructions from the river, below the mouth of the Big South Fork. In consequence of this information all arrangements, relating to this part of the river, were suspended.

It was supposed that the water would be low enough, by the middle of July, to permit contractors to examine the river, and judge of the value of the work to be done. Proposals for building wing dams and doing the other necessary work, upon Smith's Shoals, were invited by public advertisement, to be received on the 13th and 14th days of July, at Somerset, Pulaski county. When the proposals were examined, it was found that the prices demanded for building the wing dams, &c. so far exceeded the fair value of

the work, that it was deemed advisable not to enter into contract, and the bids were referred to the Board, at the next meeting, and were rejected.

At a meeting of the Board on the 27th of July, the President and Chief Engineer were "authorized to have the works, required for the discending navigation of the Cumberland river, on Smith's Shoals, executed under the direction of a Superintendent, or one of the assistant Engineers in the service of the State, and that such Superintendent or assistant Engineer, be authorized to purchase the necessary materials, as the agent of the State, and to employ as many foremen and laborers as the Chief Engineer may deem necessary, to execute so much of the work as can be done with advantage during the present season; and the President of the Board is directed to furnish such Superintendent or assistant Engineer with the funds necessary for the prosecution of the work."

In compliance with this order, Mr. Charles F. Taylor, an assistant Engineer in the service of the State, was appointed Superintendent, and directed to make preparations and commence the work as soon as practicable.

The loose rocks and such points of fixed rock as projected above the common bottom of the river, in the boat channel, have been removed, upon all the shoals. Upon the Lower Shoal, a wall, which extended along near the middle of the river, about 1400 feet, has been removed, and two new wing dams, the one is 587, and the other 547 feet long, have been built. The dams are constructed of timber and stone. They are about 18 feet wide on the bottom, and average about 5 feet 4 inches high. The natural channel of the river upon this shoal, is about 700 feet wide. It is contracted by the wing dams, to about 300 feet.

As the wing dams, upon the Lower Shoal, were not finished, until about the first of November, it was supposed there would not be time enough before the commencement of the fall rains, to complete those upon the next shoal above. To have them partly built, (and left unfinished,) would endanger the safety of descending coal boats. It was therefore deemed advisable, not to commence them, until next season.

The whole amount expended in building the dams, and for removing the rock from the boat channel, is $3,199 69. This includes the cost of working tools, and all expenses, except superintendence.

Improvements of the kind, commenced upon Smith's Shoals, have not, in most places, where they have been made, resulted in much permanent advantage. They may prove advantageous here. The effects of the dams which are finished should be carefully observed, during the winter and spring freshets: and if their form and positions shall appear to be good, those upon the other shoals can be built in the same manner; if not, such modification can be made as circumstances may suggest. All the works now proposed to be built upon the shoals, and between them and the mouth of Laurel river, can be finished next season. The cost of building the remainder of the wing dams, and of doing the other necessary work, will be about $20,000.

I have no information in relation to the amount of work done, by the United States' agent, between the mouth of the Big South Fork and the Tennessee line.

*Goose creek and South Fork of Kentucky river.*—By an order of the Board of the 27th of July last, the President and Chief Engineer, were

authorized and directed to put under contract, without unnecessary delay, the works contemplated by the act of Assembly, entitled, "an act to improve the navigation of Goose creek, in Clay county," approved 16th February, 1838.

In compliance with this order, Mr. Snyder, Resident Engineer, was directed to proceed to Manchester, and lay out and put under contract, upon the best terms he could, the works contemplated by the act above referred to. Persons living in the vicinity of the river, were invited to make proposals. When these were examined, it was found that the prices so far exceeded a fair value of the work, that the Engineer declined entering into contract, except for that upon the East Fork of Goose creek and Collins' Fork, and reported accordingly. The President of the Board directed, on the fifteenth of August, that the work should be executed under the direction of Superintendents, who should, as Agents of the State, employ laborers, purchase supplies, and do all things necessary for successful and vigorous prosecution of the improvements; and he appointed as Superintendents, Dougherty White and James H. Garrard, of Manchester, Clay county.

These gentlemen, soon after their appointments, commenced removing the obstructions, below Manchester, along Goose creek and the South Fork of Kentucky river.

The work done consists of removing loose rocks and snags; cutting off projecting points of fixed rock, upon the shoals, of deepening the channel above the Narrows, and of raising the dam across the old channel.

The contract for removing obstructions on the East Fork of Goose creek, was given to Hiram Hibbard. The price agreed to be paid for doing all the work specified in the agreement, is $350—$250 of which has been paid. The work is not yet finished.

The contract for removing obstructions in Collins' Fork was given to Elhannan W. Murphy. The price agreed to be paid for doing all the work specified in the agreement, is $283. No payments have as yet been made.

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| There has been paid for work done upon Goose creek and the South Fork of the Kentucky river, - - - - - - | $1,921 69 |
| Paid upon East Fork of Goose creek, - - - | 250 00 |
| Whole amount paid, - - - - - - | $2,171 69 |
| Work done and not paid for, about - - - - | 400 00 |

There has been paid to Messrs. Garrard and White, to be disbursed, and out of which the above sum has been paid, $3000.

The work contemplated by the act referred to, can all be finished next season.

*Tributaries of Green river—Improvements for descending navigation.*—By an order of the Board of Internal Improvement of the 12th of May last, James R. Skiles, Esq., a member of the Board, was directed to contract for the work necessary for the improvement of Big Barren river, from the mouth of Peters' creek to the mouth of Line creek; and of Drake's creek, from its mouth to Skeggs' mill: the work to be done in the manner contem-

plated by the act of Assembly, approved 18th February, 1837, and by the act relating thereto, approved February 15th, 1838. The order requires that Mr. Skiles report to the Board of Internal Improvement. A part of this work was put under contract last year, and it was partly executed. As it was difficult to designate the work to be done upon these streams, and as a good deal of difficulty had arisen in the management of that which was put under contract last year, Mr. Skiles deemed it best for the public interest, to have the balance done under the direction of Superintendents, who should be authorized to procure supplies, employ workmen, and superintend the execution of the work.

The rocks, snags and timber in the river, between the mouth of Peters' creek and Line creek, has been cleared out, and the leaning trees cut down or belted. About midway between Peters' creek and Line creek, is Hatler's mill dam, over which boats cannot pass except in very high water, and the work done above it, is nearly useless. This dam was built under the authority of an act of the Legislature, but the provisions of the law have not been complied with.

The work left unfinished last year, between the mouth of Peters' creek and Martinsville, (part of Stevens' contract,) is done, and the fish dams are removed. Some additional work has also been done.

On the divison below Martinsville, the work left undone, of Stevens' contract, is finished, and a cut-off, formerly excavated, has been deepened and a wing dam built to turn the water through it.

The work authorized to be done upon Drake's creek, has been finished. The expenses of the work done upon Barren river and Drake's creek, as upon the other tributaries of Green river, were paid by the Green river Commissioners, and the amount charged to the Board of Internal Improvement.

By an order of the Board of the 29th of June last, the Chief Engineer was directed to cause an examination to be made of Pond river, and of that portion of Rough creek, between Hartford and Green's mill, (Falls of Rough creek,) for the purpose of ascertaining what improvements could be made with advantage, for the descending navigation. Mr. Livermore, who was directed to make the examinations, reported that improvements could be made, by removing snags, timber, &c., that would be of public utility, and the expense of which, would not exceed the sum appropriated by the Board, viz: $5,000, for each stream. By direction of the President of the Board, advertisements were published in the public newspapers, inviting proposals for executing the work, and an Engineer, Mr. Foster, was directed to lay it out and prepare it for contract.

The work upon *Rough creek*, between Hartford and Green's mill, a distance of about 51 miles, was divided into two sections; the first extending from the Falls to Nall's upper mills, 25 miles, was awarded by the Board, at their meeting at Rumsey on the 27th of August, to Joseph Wilson, and the second, extending from Nall's mill to Hartford, 26 miles, was awarded to Harrison D. Taylor.

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|---|---|
| The estimated cost of the first section at the contract prices, is - - - - - - - - - - | $2,137 50 |
| Estimated cost of the second section, - - - - | 1,719 50 |
| Estimated cost of the work under contract, upon Rough creek, | $3,857 00 |

*Pond river.*—The improvements to be made upon this stream, are between Island Ford, (six miles above the mouth of the river,) and the Hopkinsville and Greenville road, a distance of 58 miles. The work is let out under one contract. At the meeting of the Board at Rumsey, on the 27th of August, it was allotted to Wallace, Anderson and Lynn. But as these men declined entering into contract, on account of some misunderstanding about the manner of disposing of the timber, it was given to John S. Eaves, Sanders Eaves and William Eaves.

The work required to be done under this contract will amount to $2,798.

The contract and specifications, which are herewith communicated, together with Mr. Foster's report, will exhibit the kind of work to be done, and the manner of doing it. The improvements upon this river, and also upon Rough creek, are to be completed, agreeably to the contracts, on the first of December, 1839.

In consequence of the indisposition of the contractor, no work had been done, on the upper section of Rough creek, on the 20th of October. On the lower section, the contractor had made considerable progress, and an estimate of $594, was made by the Resident Engineer, and directed to be paid. The work has been commenced, and some progress made upon Pond river, but no payments have yet been made.

*Muddy river.*—The improvements directed to be made, upon this river, from the mouth, up as far as Wolf Lick creek, 28 miles, have been commenced, and partly executed, under the direction of Maj. John W. Powell as Superintendent, who employs workmen, procures supplies, and superintends the work as the agent of the State. Some work was done, several years ago, upon the lower nine miles, by Commissioners, citizens living in the vicinity of the river, appointed by the State. Such obstructions as were not removed by them, have been removed by the Superintendent, this fall, as far up as the back water from dam No. 3, on Green river, flows. The work further up, will not all be finished this season. The amount expended up to the 20th of November, was $868 91.

*Nolin creek.*—By an order of the Board of the 27th of August, Mr. Foster was directed to examine this stream, from Millerstown down to the mouth, about 56 miles, for the purpose of ascertaining whether improvements could be made, that would be of use to the descending navigation: and he was directed to employ a superintendent to execute the work, if he could find a suitable person who would serve for a reasonable compensation; but if he could not find such person, he was directed to let the work to the lowest bidder. The sum of $1000 dollars was appropriated to pay the expenses of the improvements.

The obstructions most in the way of navigation, are the mill dams.—Dawsey's dam, 16 miles below Millerstown, is about 7 feet high. Hardin's dam, 19 miles above the mouth of the creek, is about 5 feet 3 inches high. This is built upon the head of a shoal, and cannot be passed safely during freshets. There are other obstructions, such as rocks in the channel, snags, leaning timber and fish dams, which are in the way of descending boats.

It appears, from the report of Mr. Fozter, that to make the navigation safe, it would be necessary to reduce the height of the dams, or to remove them; and that without doing this, the removal of the other obstacles would

not be of much advantage. The cost of the improvements proposed to be made, including the removal of Dawsey's dam, and the reduction of Hardin's to four feet in height, is estimated at $1500. As this sum exceeds the appropriation by the board, and the authority to interfere with the mill dams was questionable, no work has been done, and the subject is submitted for the further consideration of the board.

*Bear and Caney creeks.*—In compliance with an order of the board of the 27th of August last, Mr. Foster was directed to make a reconnoissance of these streams, and to report to the board what improvements, if any, could be made for the descending navigation.

Bear creek was examined from the mouth up as far as McClure's Fork—estimated distance 30 miles. The obstructions are, two mill dams, one about 5, and the other 17 miles from the mouth—rocks in the channel, snags, drift wood, and leaning timber. The upper mill dam is 8 feet high, and boats can pass over it, only during very high floods.

There appears to have been but little produce sent out of this creek. Two boats, only, are reported to have gone out: and these started from points below the upper dam. Mr. Foster estimates the cost of removing the obstructions, at $717.

The country along this creek, is thinly settled, and except the bottom lands, not very fertile.

*Caney creek.*—This stream is a branch of Rough creek, and unites with it about 15 miles below the Falls. It was examined, from the mouth, as far up as Bracher's mill, a distance of about 45 miles.

The obstructions consist of leaning trees, and in some places large quantities of fallen timber. There is one mill dam, Knight's, about 7 feet high, two miles above the mouth; but this is said not to interfere materially with the passage of boats.

The plan of improvement recommended by Mr. Foster, is to cut the fallen timber and snags, into small pieces, and fell and cut into pieces the leaning trees. The water during freshets would then clear the channel. The cost of cutting up the timber, &c., is estimated at $20 per mile, making, for the whole distance $900.

The country bordering upon Caney creek, is represented to be fertile, and to furnish a good deal of surplus produce for market. Last year, there was sent out, according to report, of tobacco, corn, pork, &c., about 500 tons. Mr. Foster states that a smaller amount of money than is represented above, if rightly applied, would be of service to the navigation, and that the whole $900, could be judiciously expended. There has been paid towards the improvements for descending navigation upon the tributaries of Green river, by the Board of Internal Improvement, as follows, (expenses of former years included,)

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|---|---|
| Big Barren river above Bowlinggreen, | $3,560 48 |
| Drake's creek, | 734 50 |
| Muddy river, | 961 15 |
| Rough creek, | 2,391 34 |
| Pond river, | 139 21 |
| Amount carried forward, | 7,768 68 |

| | |
|---|---|
| Amount brought forward, - - - - | 7,785 68 |
| Panther creek, - - - - - - - - - - | 2,827 00 |
| Green river above the mouth of Barren, including cost of surveys of tributaries, - - - - - - - - | 3,374 51 |
| | $13,988 19 |

*Green and Barren river Navigation.*—The works under contract upon these rivers, have been continued under the direction of the Green river Commissioners. The reports of the President, Mr. Skiles, and of the Resident Engineer, Mr. Livermore, will give the requisite information relative to the condition of the works, the expenses, &c.

Two of the locks and dams, one at Rumsey, (Vienna Falls,) and one at the mouth of Muddy river, are finished, or nearly so. These two dams form a continuous navigation, from Rumsey to the mouth of Barren river, 85 miles. From Rumsey to the mouth of Green river, the navigation is good whenever the Ohio is 8 or 10 feet above low water, which will probably be the case for 6 or 8 months in the year. From the mouth of Barren river to Bowlinggreen, steamboats can only run during freshets, or when the river is several feet above the low water level. The lock at the mouth of Barren river, and the one between that and Bowlinggreen, are therefore much more necessary than the one near the mouth of Green river, which will be the last to be finished.

The undersigned examined the works upon Green and Barren rivers, in April and in August, by direction of the Board of Internal Improvement, and gave such advice in relation to the construction and security of the locks, dams, &c., as in his judgment circumstances required.

*Kentucky river Navigation.*—On the 15th of February last, the amount of funds available for Internal Improvement purposes, was only $23,668. It was doubtful, at that time, whether money would be realized from the sale of the bonds of the State, in time to meet expenses, which, with the employment of a large number of workmen, would accrue upon the public works. In consequence of this state of things, the contractors were not required to employ a large force, so early as they would have been, if funds had been provided.

Masons and other mechanics employed upon the locks and dams, and upon other works, come mostly from Pennsylvania, and from the states East and North of that, where they have been employed upon works of Internal Improvement, and upon which they have acquired the skill that renders them useful here. Those men can be induced to come to our public works, only by an assurance from the contractors, of high wages and certain pay: and then it is necessary to employ them early in the season, and before the commencement of warm weather. Few are willing to come to this country after the middle of May, or the first of June. Last spring, no adequate inducement was offered for them to come to our works, and during the summer and autumn, good masons could not be obtained, and the work was consequently a good deal retarded.

The money borrowed from the banks was sufficient to pay the expenses upon the rivers, with the small force employed; and to pay, in part, the

demands of the turnpike road companies. The sale of the bonds was effected in June, but the money was not available, here, until the first of July. An impression prevailed early in the season, that there would be a reduction in the price of labor, and also in the price of subsistence for workmen: and the contractors were desirous of prosecuting their work, with but few men, until the reduction should take place. No inconvenience, therefore, resulted to them. They were paid as fast as their legal demands were made.

There was but little masonry laid in the locks before the middle of July. Several freshets occurred in May and June, which interfered with, and suspended all work in the river. Since the middle of July, the season has been very favorable, and the work has been prosecuted with considerable vigor, though not so expeditiously as it would have been, if a larger force could have been employed early in the season.

The work upon the lock and dam near the mouth of the river (No. 1,) is affected by the freshets in the Ohio; and whenever the water rises from 12 to 15 feet, or more, the building is suspended. The foundations of this lock, were not prepared, and they were not accessible, except for a very few days at a time, last summer, until after the middle of July: since that time the work has been prosecuted with considerable energy. There is now nearly 2000 perches of masonry laid, and a good deal of timber has been delivered for the dam, &c. This lock and dam cannot be finished next season, without incurring an expense greatly exceeding any advantage that would result from its completion. It may be finished in 1840, and probably at the present contract prices.

The work upon the lock at the mouth of six mile creek, No. 2, was also retarded by the freshets in the Ohio, in the early part of the season. The walls are now built up to the height of about 10 feet, and are above the ordinary floods. The pit for the abutment of the dam is partly excavated. A considerable quantity of stone for the lock walls, is quarried, and prepared for laying, and some plank, &c. for the dam are delivered. This lock and dam can be finished next season, but it will require the employment of a large force, and great exertion on the part of the contractor.

The walls of lock No. 3, at the mouth of Cedar creek, are built up about 10 feet. The greater part of the stone for building the balance, are quarried, and prepared for laying in the walls. A part of the timber and plank for the dam has been delivered. This lock and dam can be finished next season.

The walls of lock No. 4, near Frankfort, are about three fourths built up, and the greater part of the stone for the balance is quarried and delivered at the lock. Some of the timber for the dam is also delivered. This lock can be finished next season.

The walls of lock No. 5, near the mouth of Stoney run, are built up from 13 to 15 feet, and a large quantity of stone is quarried and prepared for laying. This lock can be finished next season. The dam should not be built up to any considerable height, until the lock near the mouth of Clear creek, is partly built up, and the foundation of the dam prepared.

The aggregate amount of work done towards the construction of the Kentucky river navigation, up to the 1st of December, inst., is—

| | | |
|---|---|---|
| By the contractors for the first five locks and dams, - - - - - - - - | $203,597 00 | |
| Estimated value of hydraulic lime manufactured, and furnished, - - - - - - | 42,250 00 | |
| Clearing the banks of the river, surveys, and pay of Engineers, &c., - - - - - - | 14,600 00 | |
| | | $260,447 00 |
| Amount paid up to the 10th of October, - - - | | 215,826 00 |
| Estimated cost of the locks and dams under contract, including lock-houses, clearing river banks, hydraulic lime, &c., necessary to complete the navigation 95.2 miles, - - - - | | 704,405 00 |
| Estimated cost of the Kentucky river navigation from the mouth to the Three Forks, 257½ miles, - - - - - - - - - | | $2,297,416 00 |

It will require about three years to build the locks and dams, after they are put under contract. So many as shall be commenced next spring, can be finished by the close of the year 1841.

*Licking river Navigation.*—By a provision in the contracts for building locks and dams for this navigation, except the contract for lock and dam No. 4, which was made in June last, the contractors agree to receive pay for their labor, &c., one third in the bonds of the State, and two thirds in notes of the Banks of Kentucky. This provision of the contracts, if carried into effect, will operate to the disadvantage of the contractor, and the State will derive no benefit from it. I would recommend that a change be made, if practicable, so as to have the payments made in money, as is the case with contracts upon other works.

The contracts, for the five locks and dams which were let in October, 1837, provide that the work shall be commenced on or before the first of January, 1838. As there was but a limited amount of money available for Internal Improvement purposes, and as it was uncertain at what time more would be obtained, the contractors were not required to comply with this provision, and they did not commence work to any extent until some time in May or June—which was as soon as funds were provided to pay them. No order was given, however, not to commence. They were left to act as their interests might direct.

It was expected, when the locks were put under contract, that stone for the two lower ones, would be obtained most conveniently from quarries along the Ohio river, and it was supposed that stone for building the other locks, would be obtained from quarries in the vicinity of each lock site. The contractors for the two lower locks, opened a quarry about 10 or 12 miles below Portsmouth, in the State of Ohio, and made the requisite preparations for obtaining all the stone required to build their locks, and they procured the boats necessary to transport them.

The contractors for locks Nos. 3, 4 and 5 opened several quarries in the vicinity of the lock-sites, but none of them furnished stone of a size and quality suitable for building lock-walls. The contractor for lock No. 4, about the first of June, gave notice that he could not execute his contract. It was abandoned, and re-let to Palmer and Guiou on the 15th of June. The specifications were so modified, as to allow of the use of smaller stones, in a part of the wall. The stone for the face of the walls, will be brought from the Ohio river.

About the last of August, the contractor for lock No. 5 died, and his work was consequently abandoned. The Board directed, soon after, that the Chief Engineer put the work under contract again, as soon as a good and efficient contractor could be found, who would undertake it at fair prices. A proposal was made by W. O. Shands of Cincinnati, who was recommended as an efficient and responsible builder. His proposal was accepted by the Board, and he was requested to enter into contract. After a delay of some days, he declined signing articles of agreement, unless the prices specified in his proposal, for some of the items of work were increased. This proposition the Board refused to accede to, and directed other proposals to be invited by public advertisement. The lock is not yet re-let.

The contractors for locks No. 1 and 2, commenced work, with an efficient force, at their quarries, in May or June, with the intention of quarring stone and building a part of their rock-walls this season. They had quarried and prepared a considerable quantity, and made preparations, about the 1st of August, to transport them to the lock-sites, but the river soon after become so low as to suspend navigation, and it did not rise again until some time in November. They have now commmenced transporting stone to the locks, and will continue it, whenever the water in the river is high enough to enable them to carry them to the works. The pits for the locks, and dam abutments, are partly excavated, and some timber and a part of the iron, has been delivered.

The contractors for lock No. 3, have opened several quarries in the vicinity of the lock site, but none of them have furnished stone, except perhaps a few, suitable for building up the faces of the walls. Stones suitable for the interior of the walls, are found in abundance, at these quarries. Stones for the face walls, coping, &c. could be obtained of better quality, and more cheaply, from the quarries upon the Ohio. The contractors have made arrangements for furnishing these stone, from quarries at Rockville, from which a large portion of the building stone used in Cincinnati, are obtained. When the Ohio river is high, steamboats can pass up to the lock site, and the stone could be taken there without any land carriage.

The pit for this lock has been mostly excavated, and also the pit for the abutment of the dam. The contractors have delivered some timber and some iron.

Messrs. Reynolds, Grant and Hazleton, are to receive, by their contract, $6 50 per perch, of 25 cubic feet, for building the lock walls. When the agreement was made, the contractors and also the Engineers, were under the impression that stone for building could be obtained in the vicinity of the lock, but of this the contractors were to judge for themselves, and were to fix their own prices. It appears now, that it will be necessary, or at least most economical, to go to quarries upon the Ohio, for a part of the stone; and that the expense of building the lock, will considerably exceed $6 50 per perch.

The prices for the other work, as building the dam, &c., will not more than pay the expenses of construction, and leave the contractors a reasonable compensation for their personal services. If they proceed to build the lock under the present arrangement, they will sustain a loss of several thousand dollars. Under existing circumstances, I would advise that it be abandoned, and that the Board, if they have authority to do so, direct the work done at opening quarries, &c., to be paid for, and the contractors to be compensated as far as they can be, for their labor and the expenses which they have incurred.

At lock and dam No. 4, some work has been done at excavating the lock-pit, and at opening quarries. This lock was re-let to Palmer and Guiou, the contractors for locks Nos. 1 and 2. All the cut stone are to be obtained from the same quarries as the stone for locks Nos. 1 and 2. Some iron has been delivered for the lock and dam.

No work has been done at lock No. 5, since about the first of September, when the contractor died. The whole amount which could then be estimated, was $1273 60. The contractor had expended a considerable sum of money, in opening quarries, and in making preparations for the prosecution of his work, for which, under the provisions of the contract, he could not be paid.

A channel 100 feet wide, has been cut through the rock bar in the Ohio, at the mouth of the Licking. It is about 1250 feet long. The channel is excavated so low, that it will have as much, or more depth of water, than there is upon the shoals, either above or below Cincinnati. The bed of the Ohio, here, is rock. Out of this, the channel was excavated. Boats can now pass in and out of the Licking, whenever they can run upon the Ohio, and they can be laden so as to draw as much or more water. This channel cost $5,383 47.

It was originally proposed to build the locks for this navigation, 130 feet long and 25 feet wide, in the chamber. In compliance with an order of the Board, the dimensions have been changed, and the length as now proposed will be 155 feet between the gates, and the width between the walls 31 feet. A lock of these dimensions will admit the common stern wheel steamboats which navigate the Ohio river.

The work below Falmouth, can be finished, if prosecuted vigorously, and funds are provided to pay the expenses, by the end of the year 1840, the time fixed by the contract.

The aggregate amount of work done towards the construction of the Licking river navigation, up to the 1st December, inst., is—

| | | |
|---|---|---|
| By the contractors for the first five locks and dams, | $18,013 40 | |
| Estimated value of hydraulic lime manufactured, | 6,000 00 | |
| Surveys and pay of Engineers, &c., - - | 5,766 76 | |
| Value of work done up to 1st Dec., including surveys, &c. | | 29,780 16 |
| Estimated cost of the locks and dams below Falmouth, including lock houses, clearing river banks, hydraulic lime, &c., necessary to complete the 51½ miles of navigation, - | | 491,500 00 |
| Estimated cost of the Licking river navigation, from the Ohio to West Liberty, enlarged as above mentioned, - - - - - - - - | | $2,036,000 00 |

*Turnpike road from Louivsille via the mouth of Salt river, Elizabethtown, Munfordsville, Bell's Tavern, Bowlinggreen and Franklin, to the Tennessee line.*—The distance, according to the surveys, from Louisville to the Tennessee line, is 145.63 miles. The road is divided as follows: From Louisville to Elizabethtown, 44½ miles—from Elizabeth to Bell's tavern, 49.6 miles—from Bell's tavern to Bowlinggreen, 24 miles, nearly—Bowlinggreen to the Tennessee line, 27.6 miles. Each of these divisions, is under the superintendence of a President and Directors.

Five miles of the road, next to Louisville is finished, and there is about 7 miles finished, in Hardin county. The work is under contract, upon the balance of the line, to Elizabethtown, except the bridge over Salt river, and a short piece of road adjoining it; and about 9 miles of stone roadway, between Salt river and Louisville.

Two miles of this road, where it ascends Muldrow's hill, is graded only 30 feet wide: The stone roadway upon this is to be 20 feet wide. The next 14 miles towards Elizabethtown, is graded 40 feet wide, and the stoneway, will be 18 feet wide. The balance of the road between Elizabethtown and Louisville, is graded 50 feet wide, and the stoneway is 16½ feet wide.

About 9 miles of the road in Jefferson, and nearly 14 miles in Hardin county was put under contract last summer; the balance has been under contract some two or three years.

The grading from Elizabethtown to a point within about a quarter of a mile of Munfordsville is under contract, and some part of it is finished. About 11½ miles of this, is to be covered with stone. From Munfordsville to Bell's tavern, no part of the work has been put under contract. This part of the road embraces a bridge over Green river.

Of the 24 miles from Bell's tavern to Bowlinggreen, about 22½ is under contract, and 1½ miles, including Barren river, is not under contract. The contracts here include the making of a stone roadway as far as the work is let out.

From Bowlinggreen through Franklin to the Tennessee line, 27⅞ miles, the grading is all under contract, and all the stone roadway except 6 miles.

The road from Elizabethtown to the Tennessee line, is to be graded 40 feet wide. The stone roadway will be 18 feet wide and 1 foot deep in the middle. There will be a summer road along the whole distance, from Louisville to the Tennessee line, except at points where the width of the grade is necessarily reduced for short distances, upon side hills, &c. From Elizabethtown to Munfordsville, the road was put under contract last winter. Between Bell's tavern and Bowlinggreen, the contracts were made during the summer, and the work was not commenced until late in the season.

There is no report of this road, except at the crossing of the Green river, at Munfordsville, where the ascents and descents, exceeds two degrees, or a rise or fall of one foot in 28 and six tenths feet; and there is but a small portion of the road, where the inclination is as great as this.

The work upon the part of the road between Louisville and Elizabethtown, has not been prosecuted with a very large force. Some of the contracts which were made last spring, or in the early part of summer, have been prosecuted with more energy than the older ones, and the work upon these, is generally well done, as is also the work upon the old contracts,

which has been done during the past season. That which had been done previously is not so well executed.

No accurate calculation has been made to determine the cost of the bridge over Salt river. It is estimated to cost about $60,000, without the embankments. The formation of the stone roadway, not under contract, between the Salt river and Louisville, Mr. Eastin estimates to cost about $5000 per mile.

Between Elizabethtown and Munfordsville, the work has been prosecuted with considerable energy. The grading, is, generally, pretty well advanced, and a good many stone are prepared on the part of the road, where a stone covering is to be put on. The work upon this part of the road, so far as it is done, is well executed. All the contracts now in progress, can be completed, if funds are provided, before the close of the year 1839. The road from Munfordsville to Bell's tavern, with the exception of the bridge over Green river, is to be put under contract on the 20th of the present month. It appears by the report of the President of the turnpike road company, that application will be made for a separate charter for the bridge. It is estimated by Mr. Eastin to cost about $38,200.

The work has been commenced upon most of the contracts between Bell's tavern and Bowlinggreen. The grubbing is mostly done, and the grading is commenced upon a good many of the sections. The work so far as it has progressed, is generally well done. No time has been fixed for putting the one and a half miles, near Bowlinggreen, under contract.

Upon that part of the road between Bowlinggreen and the Tennessee line, the greater part of the grubbing is done, and some work has been done upon the grading and culverts.

Most of the country over which this line of road passes, from the top of Muldrow's hill, in Hardin county, to the Tennessee line, is well adapted to the formation of a road. There are but few streams to cross, and the soil is mostly dry. A good deal of it would form a fine road during the greater part of the year, without a covering of stone.

The parts of the road which have been let out during the present year, were surveyed and located by Henry J. Eastin, a Resident Engineer in the service of the State.

ESTIMATED COST OF THE ROAD.

| | | |
|---|---|---|
| Cost of the finished part from Louisville out five miles, - - - - - - - - | $30,141 65 | |
| Estimated cost of finished road in Hardin county, | 33,885 00 | |
| | | $64,026 65 |
| Estimated cost of work under contract between Louisville and the mouth of Salt river, - | 48,379 60 | |
| Estimated cost of work under contract between the mouth of Salt river and Elizabethtown, - | 99,500 00 | |
| Estimated cost of work under contract between Elizabethtown and Bell's tavern, including contingencies, - - - - - - - - | 24,977 44 | |
| | | 64,026 65 |
| Amounts carried over, | 172,857 04 | |

| | | |
|---|---|---|
| Amounts brought over, | $172,857 04 | $64,026 65 |
| Estimated cost of work under contract between Bell's tavern and Bowlinggreen, - - | 115,314 12 | |
| Estimated cost of work under contract between Bowlinggreen and the Tennessee line, | 119,024 74 | |
| Estimated cost of work under contract, - - - | | 507,195 90 |
| Estimated cost of work finished and under contract from Louisville to the Tennessee line, not including contingences on unfinished work, - - - - - | | 571,222 55 |
| Add for superintendence and contingences for the unfinished part of the road, not including the part from Elizabethtown to Munfordsville, - - - - - | | 19,110 91 |
| Estimated cost including contingences, - - - | | $590,333 46 |
| Estimated cost of work not under contract between Louisville and Salt river, including the Salt river bridge, ($60,000,) - - - | $109,410 00 | |
| Estimated cost of work not under contract between the mouth of Salt river and Elizabethtown, - - - - - - - - | 3,010 00 | |
| Estimated cost of the work not under contract between Elizabethtown and Bell's tavern, including $38,200, for a bridge over Green river, | 196,560 76 | |
| Estimated cost of work not under contract between Bell's tavern and Bowlinggreen, including a new bridge over Barren river, and an embankment across the bottom, - - | 43,319 60 | |
| Estimated cost of work not under contract between Bowlinggreen and the Tennessee line, | 21,351 00 | |
| Estimated cost of work not under contract, including the bridges over Salt, Green and Barren rivers, *exclusive of contingences*, - - - - | | 373,651 36 |
| Add for contingences and superintendence, - - | | 18,682 56 |
| Estimated cost including contingences. - - - | | 392,333 92 |
| The bridge over the mouth of Salt river is estimated to cost, - - - - - - - | 60,000 00 | |
| The bridge over the Green river, - - - | 38,200 00 | |
| The bridge over Barren river, including the embankment across the bottom, is estimated to cost, - - - - - - - - - | 36,217 85 | |
| | | 134,417 85 |
| The estimated cost of the work not under contract, exclusive of bridges, will be - - - - | | $257,916 07 |

The old bridge over Barren river has been rebuilt since the road was located, and an embankment across the bottom partly made. The proposition submitted to the Board at a former meeting, to change the line of the road,

so as to pass over this, not having been finally acted upon, it is uncertain whether the cost of the new bridge should be embraced in the cost of the road or not. As it is represented that separate charters will be applied for, for the other two large bridges, their estimated cost, together with the Barren river bridge, is shown, separately from the other work.

*Turnpike road from Louisville, via Bardstown, Glasgow and Scottsville, to the Tennessee line.*—This road is finished from *Louisville to Bardstown*, 39 miles. The first 10 miles next to Louisville, belongs exclusively to an incorporated company. On the remaining 29 miles, the stock is owned, one half by the State, and one half by individuals, &c. This part of the road cost, exclusive of bridges, $5,046 52 per mile. There are seven bridges, the aggregate cost of which is $52,344 75. The cost of the road, including bridges, is $200,693 83, or about $6,920 50 per mile.

From *Bardstown to Glasgow*, 67 miles, all the work necessary to complete the road, except the stone roadway upon 31 miles, is under contract, and in progress. The road is graded so that the ascents and descents will not, in any place, exceed two degrees. The width of the road bed, except along steep side hills, in deep cuts, and upon high embankments, is 40 feet. Upon one side of this, a stone roadway, 15 feet wide, consisting of a pavement, made of conical shaped stone, 8 inches deep, covered with finely broken stone to the depth of 4 inches, is laid. The other side is fitted for a summer road, to be used in summer, or when the ground is dry. Where the road is not graded wide enough for a summer road, the stone roadway is made 18 feet wide. The road is well drained, by good ditches and culverts. There are fourteen bridges upon this part of the road. They will cost, when finished, about $65,000. The bridge over Green river has one span of 200 feet. The lower timbers of the superstructure, are 52 feet above the low water. The masonry of this bridge is nearly finished: the superstructure is partly framed. The bridge over the Rolling Fork, has one span of 176 feet. The lower timbers of the superstructure are about 31 feet above the low water. It is nearly finished. The bridge over the Beach Fork, near Bardstown, has one span of 200 feet. The bottom timbers of the superstructure are about 43 feet above the low water. The abutments are finished, or nearly so. The superstructure is framed, and partly put up. These are strong and substantial bridges. The contractors, Messrs. Morehead and Carothers, are entitled to credit for the faithful execution of their work, so far as it has progressed.

From Glasgow to the Tennessee line, 36 miles, the work necessary to complete the road, except one bridge, and the stone roadway upon 31 miles, is under contract and in progress. The grubbing is done, or nearly so, on the greater part of the distance. The grading is commenced on a good many of the sections, and upon some it is nearly finished. The maximum ascent or descent, upon this part of the road, like that between Bardstown and Glasgow, does not exceed two degrees, or about one foot in 28 6-10.—The width will be 35 feet, except along side hills, or in deep cuts and fills. The stone roadway will be laid in the same manner as that upon the part of the road between Bardstown and Glasgow; but it will be two feet wider. The summer road will be seven feet narrower. There are fourteen bridges upon this part of the road, estimated to cost $31,004.50. The bridge over Big Barren river will be the largest. It has one span of 176 feet. The height of the lower timbers of the superstructure will be 34 feet above the

low water. But little progress has as yet been made towards its construction. The bridge over Skegg's creek will have one span of 100 feet: that over Peters' creek 75 feet: the one over Big Tramel, 60 feet. The other bridges will be smaller. No work has been done at the bridges over Skegg's or Peters' creeks, and but little upon any of the other smaller ones.

The work upon that part of the road between Bardstown and Glasgow, has been prosecuted, during the past season, with great energy. Between Glasgow and the Tennessee line, it was begun at a later period, and has not been prosecuted with so large a force, in proportion to the length of the road. The work now under contract upon the whole road, could perhaps be finished by the close of the year 1839, if funds were provided early enough to warrant the employment of a large force in the early part of the season.

ESTIMATED COST OF THE ROAD.

| | | |
|---|---|---|
| Work under contract from Bardstown to Glasgow, including bridges, - - - | $321,000 00 | |
| Work under contract from Glasgow to the Tennessee line, including bridges, - - | 129,117 00 | |
| | | $450,117 00 |
| Estimated cost of work under contract between Bardstown and Glasgow, consisting of 31 miles of stone roadway, - - - | 125,003 00 | |
| Work not under contract between Glasgow and the Tennessee line, consisting of 31 miles of stone roadway, and not including Skegg's creek bridge, | 92,000 00 | |
| | | 217,000 00 |
| Estimated cost of the road from Bardstown to the Tennessee line, complete with bridges and a stone roadway along the whole distance, - - | | 667,117 39 |
| Cost of the 29 miles of road between Louisville and Bardstown, - - - - - | | 200,693 83 |
| Estimated cost of the road from Louisville, via Bardstown, &c. to the Tennessee line, exclusive of the 10 miles next to Louisville, and exclusive of the cost of superintendence and contingent expenses between Bardstown and the Tennessee line, | | $867,810 83 |

This estimate embraces the cost of a stone roadway along the whole distance, including the part which is not under contract. There are portions of the line upon which the soil is gravelly, and dry, where a road would be good during the greater part of the year, without a stone covering. There is a good deal of this dry gravelly soil, between Green river and Glasgow, and also between the latter place and the Tennessee line. The road could be made along the dry ground, and used for a time, without a covering of stone. It could be covered when the increased travel should require it.

In the reports of the presidents of the companies upon this line of road, no allowance appears to have been made for contingent expenses. Five per cent. upon the estimated cost of the road from Bardstown to the Tennessee line, viz: $667,117—would be $33,355. This sum would probably cover

the expenses of superintendence, and any extra work not embraced in the contracts.

This road was surveyed and located by Henry J. Eastin.

In compliance with an order of the board of the 23d of August last, Mr. Eastin was directed to superintend the work upon this road, as resident Engineer, and also the road from Louisville via Elizabethtown, Munfordsville, Bell's, Bowlinggreen and Scottsville, to the Tennessee line.

*Turnpike road from Louisville to Frankfort.*—The whole of this road is finished and in use. Twenty miles of it, on the Louisville end, belongs exclusively to an incorporated company. Of the remaining 32 miles, the stock belongs one half to the State.

This road is badly constructed, and it can never be kept in good repair, until the culverts and ditches necessary for draining it, are made. The cost of the road; amount of tolls received during the present year, and the expenses of repairs, as far as reports have been made, are shewn in the schedule marked A.

*Turnpike road from Hardinsville, via Lawrenceburg, Harrodsburg, Danville and Stanford, to the Crab Orchard.*—The whole length of this road is 61⅜ miles. In Franklin and Anderson counties, it is finished, with the exception of a few rods. In Mercer county there is 19⅜ miles finished, and 5½ miles under contract, and partly made. No report has been received from Lincoln county. The greater part of the road, however, in that county, is known to be finished.*

The unfinished work can all be completed next season, and probably before the end of the summer.

Tolls are collected upon the road, in Franklin and Anderson counties, and upon a part of the distance in Lincoln county. For the cost of the road, amount expended, tolls, &c. &c.—see schedule A.

*Turnpike road from Bardstown to Springfield.*—This road is finished, except about one eighth of a mile, and this is nearly done. The whole length is 18½ miles. The amount of tolls collected, is $1,320; amount expended for repairs, $250; for the amount paid, cost of the road, &c.—see schedule A.

*Frankfort, Versailles and Lexington Turnpike road.*—This road is finished and in use, and tolls are collected upon the whole of it. It has been in good order during the summer. No report has been made this year, of the amount of tolls, the expenses of repairs, or the cost of the road.

*Versailles and Anderson Turnpike road.*—This road is finished, or under contract from Versailles to the Kentucky river, 6⅕ miles. Of this, 5 miles

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* By a statement from the President of the Board of Internal Improvement for Lincoln county, received since the date of the above report, it appears that there is of the Hardinsville and Crab Orchard road, in that county, 21 1-10 miles, of which about 18¼ miles is finished, and the balance under contract and not finished. There has been of tolls collected within the year, $1,149 96.—Expenses of repairs, gate keepers, &c. up to the 30th Nov. last, $663 36¼. For the cost of the road, &c. &c.—see schedule A.

is reported finished, and 1⅕ miles under contract and not finished. No part of the road on the west side of the Kentucky river is authorized to be put under contract. For the estimated cost, amount paid, &c.—see schedule A.

*Turnpike road from Lexington, via Harrodsburg, to Perryville.*—The whole length of this road is 42½ miles. There is, finished, about 20 miles—6 miles of this is on the Lexington end of the road. The balance of the 20 miles is in pieces of less than 5 miles each. There is about 10 miles under contract and not finished, about 4 miles of which is graded. There is about 12½ miles, including the Kentucky river bridge, not under contract. The superintendent of the road estimates this part to cost $6,000 per mile, exclusive of bridges; and the bridge over the Kentucky river is estimated to cost $24,000. It will probably cost, to build a bridge over the Kentucky river high enough not to interfere with the navigation of the river, at least $50,000. The estimates of the other bridges appear to me to be too low. There has been no money received for tolls, and none expended for repairs. For the estimated cost of the road; amount expended, &c. &c.—see schedule A.

*Danville, Lancaster and Nicholasville Turnpike road.*—This road is all finished or under contract. From Lexington to the Kentucky river, except a small piece near the bridge, it is finished. From the bridge to Evansville, the road is not all graded: from Evansville to Danville, it is finished, except the bridge over Dick's river, and this is nearly done. From Lancaster, the road is all finished to its junction with the Danville branch. The abutments of the bridge over the Kentucky river are built, and the frame of the superstructure is put up, but not covered; and the floors are not laid. The report of the president of the turnpike road company states, that it will be put in a condition for the travel to pass over during the present winter; but as funds are not provided, it will not be finished. The report states that the whole road, although not finished, will be in a condition to be used by the first of January next. This road is graded 30 feet wide. The stone roadway is 18 feet wide: the stones for McAdamizing are broken, or are intended to be broken, so as not to exceed six ounces in weight; and they were laid on, upon a part of the road, 9 inches deep, and 10 inches upon the part which was last made.

The bridge over the Kentucky river is a little more than 70 feet high, above low water. It has one span of about 240 feet. The abutments are constructed of undressed stone. The one on the north side of the river, is pretty well built; the one on the south side, is not so good; the stones are large, but not so well laid. The work upon the superstructure, so far as it has progressed, is well done; and if what remains to be done is executed in the same manner, the bridge will be a very superior one.

The estimated cost of the road, including bridges, is $7,359 20 per mile. For the aggregate cost of the road; tolls; expenses of repairs, &c. &c.—see schedule A. The estimated cost of repairs upon this road, for the coming year, is, according to the president of the company, not less than $100 per mile.

*Lexington and Winchester Turnpike road.*—This road is 17½ miles long. It is nearly finished. Gates are established and tolls have been collected during the present year, upon 16 or 17 miles. No report has been made

by the company, of the cost of the road, the tolls collected, or of the expenses of repairs.*

*Richmond and Lexington road.*—The whole length of the road will be 25½ miles. From Lexington to the Kentucky river, about 15 miles, it is finished. There are 5 miles on the west side of the river under contract and not finished, and about 5½ miles not under contract.

The five miles under contract is nearly finished. For the cost of the road; tolls; expenses of repairs, &c. &c.—see schedule A. The estimated cost of repairs for the coming year, is $200 per mile.

The estimate for the road does not include the cost of a bridge over the Kentucky river. The expense of building one, high enough not to obstruct the navigation of the river, would be from forty to fifty thousand dollars. This should be added to the estimated cost of the road as given in the report.

*Maysville, Washington, Paris and Lexington Turnpike road.*—This road was finished in 1835. The distance from Maysville to Lexington is 64 miles. It has been kept in good order during the past summer. The bridge over the Licking river should be repaired without delay; and one or two small bridges between that and Millersburg, should also be repaired.—The wing walls of the bridge over Licking, were badly built. They have been forced out by the pressure of the earth against them, so that they lean over, considerably. They are prevented from falling, by ties and props of timber, and these are a good deal decayed. By direction of the Board of Internal Improvement, I prepared and sent a plan for securing these walls, to the superintendent of the turnpike company. It consisted in building butresses, to be so connected with the old walls so as to sustain them. The plan has not yet been carried into execution. The superstructure of this bridge is in very good order. The repairs required at the small bridges are inconsiderable. There are other places upon the road, which were pointed out by the undersigned to the superintendent, where repairs and additions are necessary for its security.

The amount of tolls received from the 1st of October 1837, to the 1st of October 1838, is $29,117 16—equal to $454 95 per mile; and the expenses of repairs, pay of superintendent, gate keepers, &c., have been $20,861 62—equal to $325 96 per mile; for the other items, see schedule A. The turnpike road company have experienced some difficulty in obtaining materials to repair the road. The owners of land along some parts of it, will not permit quarries to be opened, or rock to be taken from their land. Others demand a very high price for it. The expenses of the past year includes the purchase of some quarries.

The stone roadway upon this road was made upon the McAdam plan. The

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* The Lexington and Winchester turnpike road is finished. By a statement made by the President of the Company, subsequent to the date of the above report, the road is represented to have cost about $5,058 per mile. There has been $2,545 36 of tolls collected during the year; amount expended in repairs, $1,508 89; estimated cost of repairs for the coming year, $150 per mile.

The road is graded 30 feet wide, stone roadway 16½ feet wide and 9 inches deep (McAdamized). For length of road, &c. &c.—see schedule A.

broken stone were laid down 20 feet wide and 9 inches deep. Where the road is well drained and kept dry, it wears well; but where it is not drained by culverts and ditches, heavy wagons cut through the stone covering.

*Lexington, Georgetown and Covington Turnpike road.*—This road is finished and in use from Lexington to Georgetown, 12 miles; from Georgetown to Florence, about 59 miles, it is not located; from Florence to Covington, about 10 miles, it is finished, or nearly so. No report has been made of the cost of this part of the road, or of the tolls, &c., for the present year.

The road from Georgetown to Lexington is well made, and has been kept in good order. There has been received within the year, for tolls, $5,634 00 —equal to $469 50 per mile. The amount paid for repairs is about $3,500 —equal to about $291 66 per mile. For the cost of this part of the road, &c. &c.—see schedule A.

As no report has been made from the Covington end of the road, the amounts in the schedule are taken from former reports, or from other sources of information. The part of the road not under contract, has not been located; the estimate is predicated upon a comparison with the known cost of other roads, over a similar country.

*Turnpike road from Frankfort via Georgetown to the Bourbon County line.*—This road is finished from its intersection with the Frankfort and Versailles road to Georgetown, about 16 miles; and there is about half a mile beyond Georgetown, under contract and not finished. This half mile includes a bridge over North Elkhorn creek; this is partly built. No report has been made from the part of this road in Scott county.*

A little more than 6 miles of this road is in Franklin county. Upon this there has been collected, of tolls, within the year, $2,204 00; and the amount paid for repairs is $820 00; expenses for gate keeper, $284.

This road has been kept in pretty good repair during the year. It is now in good order. For the cost of the Franklin part of the road, see schedule A.

*Maysville and Mountsterling Turnpike road.*—The whole length of the road is estimated at 51 miles. Of this, 9 miles is finished; nearly 18 miles is under contract and not finished; and a little more than 24 miles is not under contract. From Maysville to Flemingsburg, the road is under contract and partly finished. Five miles between Sherbourne Mills and Sharpsburg, is under contract, and some part of it is finished; and there is five miles under contract between Sharpsburg and Mountsterling. There is between Mountsterling and Sharpsburg, about 5 miles not under contract, and a little more than 5 miles between Sharpsburg and Sherbourne Mills. From Sherbourne Mills to Flemingsburg, the distance is between 13 and 14 miles.—This is not under contract.

Of the road under contract, 6 miles is reported to have been graded, 4 of

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* By a statement received since the date of the above report, it appears that there is, within Scott county, about 10 miles of the Frankfort and Georgetown road finished, and about 1 mile under contract and not finished. There is about 8 miles not under contract. The amount of tolls and cost of repairs are not given. The grade of the road is 30 feet wide; stone roadway 18 feet wide, and 9 inches deep. For cost of road, &c. &c.—see schedule A.

which is covered with stone. The grading on about 5 miles is about one half done. The balance is commenced, and the work is under way.

The undersigned examined this road in October. The work, so far as it had progressed, was generally well done. The maximum grades are 2½ degrees. The stone roadway is upon the McAdam plan. It is 18 feet wide, 12 inches deep in the middle, and 8 inches at the sides.

No tolls have been collected, and there has been no money expended for repairs. On a part of the road, the report states that the collection of tolls will soon commence.

The cost of the work not under contract, is not embraced in the report from the turnpike road company. The estimate is predicated upon a comparison of the cost of other roads, which have been constructed through districts of country similar to the one over which this road is to be made.—$47,000 is allowed for building a bridge over the Licking river, and one over Fleming's creek. For the cost of the road, amount paid, &c. &c.—see schedule A.

*Maysville and Bracken Turnpike road.*—The whole length of the road embraced in the charter is 17 8-10 miles. The distance from Maysville to Germantown is about 10 miles. No part of this road is finished. There is under contract from Maysville towards Germantown, nearly 8½ miles. The contracts were made in August last, except for about half a mile, which was put under contract in 1837. The work, as stated in the report, is progressing very well.

For the estimated cost of the road, work done, or amount paid, &c.—see schedule A.

*Owingsville and Big Sandy Turnpike road.*—About 37 miles of this road is finished, and three miles is under contract, and not finished. There is about 38½ miles embraced in the charter, not under contract, and not finally located.

The road which is finished and under contract, is in three parts. Next to Owingsville, there is ten miles finished and in use, and upon this a toll gate has been erected. Next to this is about 24 miles, not finally located; the next ten miles is finished, the next 14½ miles is not finally located. Of the remaining 20 miles extending to the mouth of Big Sandy river, about 17 miles is finished; the remaining 3 miles is under contract.

The distance from Owingsville to the mouth of Big Sandy, is estimated at about 78½ miles. The new road, so far as made, passes through districts of country where the greatest obstacles were presented to the travel. During the summer, carriages pass with tolerable convenience, over the parts of the old road, between the newly made portions. In winter, however, and during the wet seasons, these parts of the road will not be passable for loaded wagons. As there are no bridges upon the old road, all travel will be suspended, or partly so, during periods of high water.

There is a good deal of travel upon this route during the summer and autumn. If the portion of the road which is not under contract could be constructed, it would be of great advantage to the northern section of the State.

ESTIMATED COST OF THE ROAD.

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|---|---|---|
| Work finished and under contract, between Owingsville and the mouth of Big Sandy, including four bridges which are not under contract, but which are required to complete this part of the road, ($10,550,) - - - - - - | | $116,535 00 |
| Estimated cost of the road not under contract, exclusive of the four bridges abovementioned, 38½ miles, - - - - - - - | | 90,850 00 |
| Estimated cost of the whole road, - - | | 207,385 00 |
| The amount paid for work done, is - - - | | 87,649 82 |
| Amount required to pay for the work finished and under contract, about - - - - - | $19,041 00 | |
| Add for the four bridges not under contract, on the part of the road which is finished or in progress, - - - - - - - - | 10,550 00 | |
| Required amount to complete the 40 miles of road, | | $29,591 04 |

This road, so far as it has been made, is well located, and the work is generally well executed.

*Bridge over the Rolling Fork of Salt river, at Newmarket; and Turnpike road thence over Muldrow's Hill.*—This bridge will have one span of 150 feet. Its height above the low water of the river will be 28 feet. The abutments will be built of coursed rubble masonry, laid in common lime mortar. The superstructure will be built upon the Burr plan, and similar to the bridges upon the road from Louisville, through Bardstown, &c., to the Tennessee line.

By an order of the Board, of the 29th of June, proposals were invited, by public advertisement, for building this bridge. At a meeting of the Board at Bowlinggreen, on the 24th of August, the proposals were examined, and the contract was awarded to Morehead & Carothers. The bridge will cost, at the contract prices, about $12,500. It is to be finished in 1839. The work was commenced about the middle of November.

The road, from the bridge, across the bottom, and over Muldrow's Hill, is 4.61 miles long. The estimated cost, including allowances made under the several acts of the Legislature, to Douglass & Knott, is - - - - - - - - $32,493 88

Estimated cost of bridge, as above, - - - - 12,500 00

Estimated cost of road and bridge, - - - - - 44,993 88

Two and a quarter miles of this road is finished, and has been in use for some time. The balance is nearly finished.

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|---|---|
| There has been paid to Douglass & Knott, including allowance under the several acts of Assembly, - - - - | $19,649 88 |
| Paid to Sanders & Singleton, up to 10th Oct. - - - | 6,717 25 |
| Whole amount paid, - - - - - - - - | $26,367 13 |

This road and the bridge will be constructed wholly at the expense of the State. The tolls collected during the past year, have not all been paid over to the agent of the State. The receipts after paying the gate keeper, and the expenses of repairs, are estimated at $500; $350 has been paid to the Secretary of Sinking Fund Commissioners. The work upon this road is under the direction of Henry J. Eastin, as resident Engineer.

*State road from Mountsterling, through Prestonsburg and Pikeville to the Virginia line.*—The improvements to be made upon this road, under the contract between the Commonwealth and Samuel May, Esq., are nearly finished. One or two of the bridges are not quite completed, or were not when the work was last examined.

There has been paid for work done under the contract of Samuel May, $9,800. The whole amount expended upon this road, including payments for work done under former contracts, for making surveys, &c. up to the 10th of Oct. last, is $17,338 28; paid subsequent to the 10th of October, $5,164—making in all, $22,502 28. The bridges between the lower crossing of Big Sandy river and Pikeville, have been constructed so as to be covered with water during the highest floods. They are built with stone abutments, as required by law. The superstructures are secured to the abutments by iron fastenings, in such manner as to prevent them from being lifted off by the water, or otherwise disturbed.

The whole length of this road, from Mountsterling to the Virginia line, is about 138 miles.

*Road from Pikeville to the Sounding Gap.*—The distance from Pikeville to the Sounding Gap, according to the survey, is 37 miles. The part of the road from Pikeville to the top of Island Hill, about 7 miles, has been made during the present year, by Thomas May. The contract price was $3,000. The work is finished and paid for. The other side of this hill was improved in 1836. Wagons can pass conveniently over this road as far as it is graded. The balance is a good road for driving stock upon, as far as the Virginia line.

The whole amount of money expended upon this line of road, up to the present time, is $6,114 69.

*Repairs of Turnpike roads.*—The 6th section of the act, entitled, an act further to provide for the Internal Improvement of the State, approved Feb. 16th, 1838, provides "That it shall be the duty of the Board of Internal Improvement to adopt the best and most economical mode of keeping the turnpike roads in repair: to furnish the companies respectively with the plan; and the Board of Internal Improvement shall require the Turnpike road companies not to make contracts for the repairs of the same, against the advice and consent of said board; who are hereby authorized, in all cases by them deemed proper, to cause an Engineer to superintend said repair; and to enable the board to discharge the duties herein specified, they are hereby authorized, in all elections of President, and directors or managers of the turnpike road companies respectively, to vote the stock of the State."

In compliance with this provision of the law, an order was made on the 17th February, directing the Chief Engineer to prepare plans and directions for the repairs of turnpike roads, and report them at the next meeting of the board, for their approval.

At the next meeting, a plan embracing forms of contracts was submitted, and approved. These forms were printed, and a copy of each was sent by the Secretary of the Board of Internal Improvement, to the President or superintendent of each turnpike road company. Copies of the plans and contracts are herewith communicated.

The plan has not generally been adopted. On some of the roads, contracts had been made for repairs prior to its adoption. On other roads it was objected to, on account of the difficulty of procuring faithful superintendents, and for other reasons.

The plan which has generally been adopted for repairing the turnpike roads in this State, has been to make contracts with individuals to quarry and break stones and put them upon the road, for a specified price per rod, (the rod is generally understood to contain 82½ cubic feet). They are generally required to put on the stone at such points and in such quantities as the managers or superintendents of the road direct. Under this arrangement, the interest of the contractor is promoted, by procuring such rock as can be most easily broken. This is frequently soft and not well adapted to form a hard road. The broken stone should be put upon the road when the ground is wet and soft, and when it would effect the most good; but the contractor in most cases consults his own convenience as to the time of putting it on, and it is frequently done during the dry weather of summer, when the road surface is hard, and when the newly laid stone will form no connection with the old. In most cases, no provision is made to rake and keep this new stone covering smooth and even, until it is trodden down, and becomes connected with the old surface. There is, generally, no provision made for forming and clearing out ditches or culverts, and very little attention is devoted to draining off the water, without which no road can be kept in good order.

In the plan adopted by the board, it is proposed to have a superintendent upon each road, whose duty it shall be to employ workmen, if necessary, to put the road in good order, by making ditches, drains and culverts, and doing whatever else may be required to form a good road. He is then to make contracts with persons to furnish stone and to break it, for which they are to be paid by the perch or other measure: he is to make contracts with other persons to put on the broken stone, clear out the drains and ditches, and make all the ordinary repairs to the road, for a fixed price, by the mile, for a year or other specified time. The road is to be kept in good order, and delivered up at the end of the year, or other specified time, in as good condition, except the ordinary wear, as it was when it was placed under the supervision of such contractor.

Under this arrangement, it will be for the interest of the contractor, who makes the repairs, always to keep the road well drained and the surface even, so that carriages may pass all over it. When a rut begins to form, he can fill it up with less labor than will be required to repair the damage after the stone covering is cut through.

The *mill*, at Louisville, purchased for manufacturing hydraulic lime, has been in operation during the whole season, except when it was necessarily suspended for making repairs. A contract was made in February last, with John Hulme, Esq., to manufacture from five to ten thousand barrels, at the Tarrascon mills. Upwards of five thousand barrels have been manufactured under this contract. The price for grinding, storing and shipping the lime,

under this contract (the lime being burnt and barrels furnished by the State,) is 87 cents. The cost by the barrel, at the Commonwealth's mill, including barrels and all expenses except the cost of the mill, is $1 65 per barrel.—There is now hydraulic lime enough manufactured, to furnish the works upon Green and Barren rivers, and also those upon the Kentucky river; and several thousand barrels for the Licking river navigation.

All which is respecfully submitted.

SYLVESTER WELCH,
*Chief Engineer of Kentucky.*

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## DIRECTIONS FOR REPAIRING TURNPIKE ROADS.

The following plan for reparing and superintending the turnpike roads in which the State has an interest, is respectfully submitted for the approval of the Board of Internal Improvement.

SYLVESTER WELCH,
*Chief Engineer of Kentucky.*

1st. That the Board of Managers or Directors of each turnpike road company, appoint one or more efficient Superintendents, whose duty it shall be, to direct and superintend all the work necessary for the repairing of the road, or division of road, under his superintendence: and to make all contracts for labor and for the delivery of materials: to measure the work when admeasurement is required, and to make estimates of its value under the terms of the contract. The Superintendent to be bound by his agreement with the turnpike road company, to perform the several duties set forth therein, in a manner satisfactory to the Board of Managers or Directors, and in compliance with the written instructions from time to time given, of the State Engineer.

2d. It shall be the duty of the Superintendent to employ, with as little delay as practicable, competent foremen and as many laborers as may be required to build the culverts and to form the drains and ditches necessary to drain the road: to fill up the ruts and to level the surface of the roadway, so as to put it in order for summer travel. The foreman and laborers to work under the immediate direction of the Superintendent, and to be paid by him, or by the Treasurer, out of the funds of the turnpike road company, to be appropriated for that purpose.

When the ditches, drains, &c., are finished, and the road leveled and put in order, the foreman and laborers may be dispensed with, and the labor, &c. necessary to keep it in repair, may be done under contracts.

3d. It shall be the duty of the Superintendent, to make contracts with individuals, to furnish, quarry and deliver stone at such points along the road as he may select: the stones to be placed upon the side of the road, and not on the graded surface, and to be broken into pieces as nearly cubical

as practicable, and the largest of which, shall not exceed five ounces in weight. The stones when broken, to be left in piles of the form and dimensions specified in the contract, or which may be directed by the Superintendent. No stone should be placed or broken on the graded bed of the road.

4th. It shall be the duty of the Superintendent, to make contracts with individuals, not concerned in the breaking of the stone, to repair the road by putting on new materials wherever they may be required for ordinary repairs, to fill up ruts as soon as carriages begin to form them, and to rake and level the surface of the road, and to keep it at all times smooth and even, so that wheels may pass with equal facility over all parts of it: and to keep the ditches, drains and culverts, clean and free from obstruction, and in a condition to pass off the water.

The contract should specify the particular kind of work to be done: the time and manner of doing it: the price by the rod, pole or mile, for making the ordinary repairs one year; the time and manner of making payment. They should, also, specify a certain sum which the contractor should forfeit to the company, in the event of neglect on his part, to comply with the conditions of his contract.

5th. When the stone covering of any portion of the road becomes worn, so as to be two weak to sustain the travel, it shall be the duty of the Superintendent to make a separate contract with the contractor, for making ordinary repairs, or with some other person, to put a covering of broken stone upon that portion of the road, of such depth and width as he, the Superintendent may direct, or as the State Engineer may deem necessary. The broken stone to be put on and leveled, so as to be of a uniform thickness, and raked and kept even and level for one month, after which, it should be kept in order under the contract for ordinary repairs.

6th. All the stone used for repairing and covering the road, should be hard compact limestone, or other strong stone, which will not disintegrate or crumble to pieces when exposed to the action of the frost and the weather.

7th. When the work to be executed under any contract, shall have been finished, or at such other time or times as may be fixed by the agreement between the contracting parties, it shall be the duty of the Superintendent to make an estimate, and give to the contractor a certificate, directed to the Treasurer of the turnpike road company, stating the amount and value of the work done, and the amount, so certified, shall be charged in the books of the Superintendent, as a debit against the work done. The contractor will obtain the money due upon his certificate from the Treasurer at his own expense. In all cases said certificate should be approved by the Board, or its authorized agent, before the money is paid to the contractor.

At a meeting of the Board of Internal Improvement, on Saturday, 17th February, 1838, present,

CHILTON ALLAN, *President*,
JAMES R. SKILES,
ARCHIBALD WOODS.

On motion, it is ordered, that the Chief Engineer be instructed to prepare specifications or directions for the repair of turnpike roads, and submit them to the Board of Internal Improvement, and if approved of by them,

that he cause copies of the same to be transmitted to the Board of Managers or Directors of each turnpike road in which the State has an interest, or to the President, Superintendent or Engineer thereof, requiring them to conform to the directions given.

And at a subsequent meeting of the Board of Internal Improvement, on Friday, 11th May, 1838, present,

JAMES T. MOREHEAD, *President*,
MANLIUS V. THOMSON,
ARCHIBALD WOODS,
JAMES R. SKILES.

S. Welch, Esq. the Chief Engineer, submitted to the Board, in obedience to an order of the 17th of February last, a plan for repairing turnpike roads, which is approved of, and ordered to be printed and distributed.

Copied correctly from the minutes of the Board of Internal Improvement.

AUSTIN P. COX,
*Secretary Board of Int. Imp.*

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## CONTRACTS FOR REPAIRING TURNPIKE ROADS.

MEMORANDUM of an agreement entered into this —— day of —— A. D., one thousand eight hundred and ———, by and between the ——— of the first part, and ——— of the second part: WITNESSETH, that for, and in consideration of the covenants and payments hereinafter mentioned, to be made, the said ——— does hereby agree and engage to accept the appointment of Superintendent of the ——— turnpike Road, and to superintend and manage the repairs of said road, and to do all other things connected therewith, in the manner hereinafter described, for the term of ———, unless sooner discharged by order of the ——— as hereinafter provided.

It is agreed and understood, that it shall be the duty of the said ——— to execute all the orders of the said ——— which relate to the repairs or management of said road; to employ workmen, and direct and superintend the execution of the work, whenever directed to do so by the said ———; to make contracts with individuals to furnish materials, and to perform the labor necessary for repairing the road, which contracts shall be made in conformity with the directions of the State Engineer, approved by the Board of Internal Improvement of the State, and in conformity with the orders of the ——— aforesaid: and further, that the said ——— shall superintend the work to be executed under the contracts which he shall make; be judge of the work, and make estimates of its amount and value, at such time or times, as the contract shall prescribe, or as the ——— may direct.

It shall further be the duty of the said ——— to keep a book or books, which shall be the property of ———, in which, he shall make a record of all contracts, and of all the admeasurements of work, certificates given for work done, and of such transactions connected with his business, as the said ——— shall deem necessary: and the said book or books, shall be deposited, and kept at such place as the said ——— may direct.

In consideration of the services so rendered, ——— agrees to pay to the said ———, as a full compensation for his services and expenses, the sum of

——— dollars per month, for the time during which he is actually engaged in the superintendence of the road.

It is mutually agreed by the parties to this contract, that the said ——— shall, at all times, comply with, and execute the orders of ———, and that the said ——— shall have power and authority to dismiss the said ——— at any time, when in the opinion of the said ——— he shall neglect his duties as Superintendent, or fail to comply with, and execute the orders of the said Board.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above mentioned.

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Memorandum of an agreement entered into this —— day of —— A. D., one thousand eight hundred and ———, by and between ——— of the first part, by ——— Superintendent, and authorized agent of said Board, and ——— of the second part: Witnesseth, that for and in consideration of the payments hereinafter mentioned, to be made, the said ——— hereby agrees to furnish, quarry and deliver upon the ——— mile, or ——— of the ——— at such points, along the side of the road, as the Superintendent aforesaid shall designate, ——— perches of hard, compact limestone, or other hard strong stone, which shall be of a quality which the said Superintendent may deem suitable for repairing the road. The stone to be delivered, so as to be distributed as nearly equal as may be, along the whole extent of the road embraced within this contract, and they are to be laid up in piles, of such form as the Superintendent may direct, so that they may be conveniently and correctly measured.

It is understood that no piles of stone are to be placed, under any circumstances, upon the graded bed of the road, and no obstruction of any kind is to be placed in the way of travel.

It is further agreed, that, in consideration for the stone so delivered, the said Board hereby agrees to pay to the said ——— the sum of ——— for every perch of twenty five cubic feet. The payments to be made in the following manner: When the stone are delivered and piled up according to the direction of the Superintendent, he shall examine them, and if he approve of the quality of the stone, and of the manner and place of delivery, he shall measure them, and give the contractor a certificate, stating the amount and value of the stone so delivered, which certificate, after having been approved by the said Board, or any person authorized by them, shall be paid by the Treasurer, ——— when the certificates is presented, and the balance ———. It is further understood and agreed, that, if in the opinion of the Superintendent, the contractor neglects to prosecute his work according to the provisions of his contract, and that the public interest will suffer in consequence of the delay, he shall state his opinion in writing, to the Board, and with their consent, he may declare the contract forfeited, and proceed to re-let the work in the same manner as if the contract so forfeited, had never existed. But the Superintendent, shall estimate the work already done, and after deducting an amount equal to the damages, the said Board will sustain by the failure to execute the contract, the balance shall be paid in the same manner as other estimates are paid.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above mentioned.

MEMORANDUM of an agreement made this —— day of —— A. D., one thousand eight hundred and ——— by and between the ——— of the first part, by ——— Superintendent, and authorized agent of said Board, and ——— of the second part: WITNESSETH, that for and in consideration of the payments hereinafter mentioned, to be made, the said ——— agrees to break the stone or rock lying in piles along the road-side between the ———.

The work to be done in the following manner: the number of perches of stone in each pile as delivered, is to be ascertained before the breaking is commenced. The stone are to be broken into pieces as nearly cubical as practicable, and the largest of which, shall not exceed in weight, five ounces. The stones when broken, are to be left in long regular piles, whose width shall not exceed ——— inches at the bottom. The piles are to be arranged in such manner as the Superintendent may direct. And the said Board hereby agrees to pay, in consideration of the work so to be done, the sum of ——— cents, for each and every perch of twenty five cubic feet, measured and broken as above described.

The payments are to be made in the following manner: when the stone are broken and piled up as above required, the Superintendent shall examine them, and if they are broken and piled in the manner described in this contract, he shall make an estimate, and give to the contractor a certificate, stating the amount and value of work done, or stone broken, which certificate, after having been approved by the said Board, or any person authorized by them, shall be paid by the Treasurer ——— when the certificate is delivered, and the balance ———.

It is understood and agreed, that no payments shall be made for breaking stone under this contract, until all the stones in each and every pile or place, shall have been broken into pieces, the largest of which shall not exceed 5 ounces in weight, and it shall be the duty of the Superintendent, to reject all piles of broken stones which contain pieces that weigh more than five ounces. The work to be executed under this contract, to be commenced on or before the —— day of —— and finished on or before the —— day of ——.

It is further understood and agreed, that if, in the opinion of the Superintendent, the contractor neglects to prosecute his work according to the provisions of his contract, and that the public interest will suffer in consequence of the delay, he shall state his opinion in writing to the Board, and with their consent, he may declare the contract forfeited, and proceed to re-let the work, in the same manner as if the contract so forfeited, had never existed. But the Superintendent shall estimate the work already done, and after deducting an amount equal to the damages the said Board will sustain by the failure to execute the contract, the balance shall be paid in the same manner as other estimates are paid.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year above mentioned.

———

MEMORANDUM of an agreement entered into this —— day of —— A. D., one thousand eight hundred and ——— by and between the ——— of the first part, by ——— Superintendent, and authorized agent of said Board, and ——— of the second part: WITNESSETH, that for, and in consideration of the payments hereinafter mentioned, to be made, the said ——— agrees to make all the ordinary repairs upon that part of the ——— turnpike road, which lies between ———.

The work to be done in the following manner, viz: the ditches and culverts are to be kept clean and free from obstruction, so that water may run off as it falls, and not be suffered to collect and stand in pools, either upon the road, or along the side of it.

The surface of the roadway is to be kept smooth and even, by filling up the

ru's and other depressions with broken stone, and it is to be so made, that carriages may pass with equal facility over all parts of the stone surface. The summer road, where one has been formed along side of the stone road-way, is to be kept in repair by filling up the ruts and holes with gravel, and by levelling, so as to keep an even surface.

The repairs of the summer road, shall be so made, as to raise the side towards the stone road-way a little higher than the side towards the ditch, in order that the water may run off. The broken stone, which will be furnished by the ——— for making the ordinary repairs, may be taken from the piles on the road-side nearest to the place to be repaired. They are to be put on in all cases, when the road is wet and soft, whether used for the purpose of filling up ru'ts, or for raising the low places in the road, and they are to be raked and kept level, until they become embeded into, and united with the road. It is understood and agreed, that the said ——— shall keep as many laborers upon the road during the wet seasons of the year, as also, at all other times as may be necessary to keep the road in good order, and that the Superintendent shall have power, if in his opinion the number of laborers at any one time are not sufficient to do the necessary work, to keep the road in good order, and prevent permanent injury to any part of it, to order an additional number of hands to be employed, and the said —— shall employ them forthwith, and shall engage them at work upon the road, so long as their services may be deemed necessary.

It is further agreed, that the said ——— shall deliver up the road, at the expiration of his contract, in as good order as he received it, except so far as relates to the uniform wear of the surface, and the general decay of the mechanical work. And the said ——— hereby agrees to pay to the said ———, in consideration for the work so done, the sum of ———, for each and every lineal rod or pole, embraced within said contract, which sum, shall be regarded as full compensation for all and every expense incurred by the said ———, in repairing said road.

The payments to be made in the following monner: at the expiration of ——— months from the date of this contract, the Superintendent shall examine the road, and if it is found to be in good order, and the repairs to have been made in the manner required by this agreement, and the directions for the repairs of turnpike roads, approved by the State Board of Internal Improvement, he shall give the contractor a certificate, stating the amount and value of work done, which value shall be taken at —— of the contract price, for the whole time specified in this contract, and the certificate, after having been approved by the —— or other person authorized by the said Board, shall be paid by the Treasurer ——— when the certificate is delivered, and the balance ———.

It is further understood and agreed, that if, in the opinion of the Superintendent, the contractor neglects to prosecute his work according to the provisions of his contract, and that the public interest will suffer in consequence of the delay, he shall state his opinion in writing to the Board, and with the consent of the Board, he may declare the contract forfeited, and proceed to re-let the work, in the same manner as if the contract so forfeited, had never existed. But the Superintendent shall estimate the work already done, (at the time of such forfeiture,) and after deducting an amount equal to the damages the ——— will sustain by the failure to execute the contract, the balance shall be paid in the same manner as other estimates are paid.

It is further understood and agreed, that the said ——— will comply with the directions from time to time given, by the Superintendent of the road for the time being, and with the regulations for the repairs of turnpike roads prepared by the State Engineer, and approved by the State Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals, the day and year above mentioned.

# A.

*STATEMENT Exhibiting the Length, Cost, &c., of the several Turnpike Roads in which the State has an interest; of the improvement of Rivers, by Locks and Dams, for Steamboat navigation; improvement of Rivers for descending navigation, &c.*

[To face page 104—App. to H. R. J.]

| LINES OF ROAD, RIVER NAVIGATION, &c. | BY WHOM MANAGED OR SUPERINTENDED. | Length of road or other improvement. | Length finished. | Length under contract and in progress. | Length not under contract. | Amount paid by the State up to Oct. 10, 1838. | Amount paid by individuals. | Total am't paid. | Cost of the finished part of each road per mile. | Estimated amount required to finish each road, river, &c. under contract. | Estimated amount required to construct the portion of each road or river not under contract. | Estimated cost of each road, river, improvem't, &c. when finished. | Amount of tollson each road, &c. during the year 1838. | Amount of tolls per mile, received during the yr. 1838. | Amount expended for repairs during the year 1838. | Amount expended per mile for repairs during the year 1838. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Miles. | | | | Dollars. | | | | | | | | | | | |
| Turnpike road from Louisville, via the mouth of Salt river, Elizabethtown, Munfordsville, Bowlinggreen, and Franklin, to the Tennessee line, | Constructing under the direction of the Louisville Turnpike Road Company, | 145.63 | 12. | 112.14 | 21.49 | 70,778 00 | 54,129 00 | 124,907 00 | 5,532 08 | 464,041 46 | 392,333 92 | 981,282 38 | 1,778 52 | 148 21 | 1,540 99 | 128 41 | |
| Turnpike road from Louisville, via Bardstown, Glasgow, and Scottsville, to the Tennessee line—(ten miles on the Louisville end belongs exclusively to a company,) | Under the direction of Bardstown and Louisville, and Bardstown and Green river, and Bardstown, Glasgow, and Scottsville Turnpike Road Companies, | Com. 10<br>State, 132<br>142. | 39. | 103. | – | 226,358 00 | 162,624 00 | 388,982 00 | 6,851 50 | 275,441 66 | 232,050 00 | 896,473 66 | – | – | – | – | Stoning and bridge not under contract. |
| Turnpike road from Louisville, via Shelbyville, to Frankfort—(about twenty miles on the Louisville end belongs exclusively to a company,) | Under the direction of Boards of Internal Improvement in Franklin and Shelby counties, | State, 32<br>Com. 20<br>52. | 52. | – | – | 65,000 00 | 65,000 00 | 130,000 00 | 4,062 50 | – | – | 130,000 00 | 21,047 74 | 657 74 | 21,452 58 | 670 39 | |
| Turnpike road from Hardinsville, via Lawrence, Harrodsburg, and Stanford, to the Crab Orchard, | Under the direction of Boards of Internal Improvement in Franklin, Anderson, Mercer and Lincoln counties, | 61.66 | 53.46 | 8.19 | .01 | 156,292 00 | 118,514 00 | 274,806 00 | 5,240 11 | 40,727 47 | 78 40 | 315,611 87 | 1,875 82 | 143 67 | 963 37 | 67 22 | No full return. Toll only reported for Franklin and Lincoln counties. |
| Turnpike road from Bardstown to Springfield, | Under the direction of the Springfield and Bardstown Turnpike Road Company, | 18.50 | 18.37 | 13 | – | 60,450 00 | 58,250 00 | 118,700 00 | 6,709 21 | – | – | 124,120 50 | 1,032 00 | 55 78 | 250 00 | 13 51 | |
| Turnpike road from Frankfort, via Versailles, to Lexington, | Under the direction of the Frankfort, Lexington and Versailles Turnpike Road Company, | 26.72 | 26.72 | – | – | 78,372 00 | 78,372 00 | 156,744 00 | – | – | – | 156,744 00 | | | | | |
| Turnpike road from Versailles to the Kentucky river, | Under the direction of the Versailles and Anderson Turnpike Road Company, | 12.20 | 5. | 1.20 | 6. | 14,070 00 | 14,070 00 | 28,140 00 | 5,700 00 | | | | | | | | |
| Turnpike road from Lexington, via Harrodsburg, to Perryville, | Under the direction of the Lexington, Harrodsburg and Perryville Turnpike Road Company, | 42.50 | 20. | 10. | 12.50 | 52,312 00 | 52,312 00 | 104,624 00 | 6,000 00 | 125,000 00 | 84,176 00 | 313,800 00 | – | – | – | – | Including bridge over Kentucky river. |
| Turnpike road from Lexington, via Nicholasville and the mouth of Hickman creek, to Danville and Lancaster, | Under the direction of the Danville, Lancaster and Nicholasville Turnpike Road Company, | 41.86 | 37. | 4.86 | – | 131,454 00 | 131,452 00 | 262,906 00 | 7,358 24 | 45,110 09 | – | 308,016 09 | 6,604 00 | 178 48 | 4,200 80 | 113 53 | Including bridge over Kentucky river. |
| Turnpike road from Lexington to Winchester, | Under the direction of the Winchester and Lexington Turnpike Road Company, | 17.53 | 17.53 | – | – | 44,645 00 | 44,645 00 | 89,290 00 | 5,058 00 | – | – | – | 2,545 36 | 145 20 | 1,508 89 | 86 07 | |
| Turnpike road from Lexington to Richmond, | Under the direction of the Richmond and Lexington Turnpike Road Company, | 25.50 | 15. | 5. | 5.50 | 54,820 00 | 58,879 00 | 113,699 00 | 6,147 00 | 9,241 00 | 35,000 00 | 157,940 00 | 4,050 00 | 270 00 | 2,375 09 | 158 34 | Exclusive of bridge over Ken. river. |
| Turnpike road from Lexington to Maysville, | Under the direction of the Maysville, Washington, Paris and Lexington Turnpike Road Company, | 64. | 64. | – | – | 213,200 00 | 213,200 00 | 426,400 00 | 6,662 50 | – | – | 426,400 00 | 29,117 16 | 454 95 | 20,861 62 | 325 96 | |
| Turnpike road from Lexington, via Georgetown, to Covington, | Under the direction of the Covington and Lexington Turnpike Road Company, | 80.89 | 22.14 | – | 58,75 | 60,255 00 | 60,255 00 | 120,510 00 | 6,570 83 | 8,390 00 | 348,000 00 | 491,000 00 | 10,981 53 | 498 43 | 4,384 67 | 189 45 | |
| Turnpike road from Frankfort, via Georgetown, to the Bourbon county line, | Under the direction of Boards of Internal Improvement in Franklin and Scott counties, | 25.13 | 16.13 | 1. | 8. | 52,021 00 | 52,021 00 | 104,042 00 | 6,520 65 | 15,147 56 | 51,000 00 | 170,189 56 | 2,204 00 | 359 54 | 1,104 00 | 180 09 | Report from Franklin county only relative to tolls. |
| Turnpike road from Mountsterling, via Flemingsburg, to Maysville, | Under the direction of the Maysville and Mountsterling Turnpike Road Company, | 51. | 9. | 17.83 | 24.17 | 31,259 00 | 31,259 00 | 62,518 00 | 5,091 00 | 112,894 65 | 158,701 00 | 334,113 65 | – | – | – | – | Including Licking river, and other bridges. |
| Turnpike road from Maysville to Germantown, | Under the direction of the Maysville and Bracken Turnpike Road Company, | 17.81 | – | 8.42 | 9.39 | – | – | – | – | 50,865 00 | 45,038 00 | 95,903 00 | | | | | |
| Turnpike road from Owingsville to the mouth of Big Sandy river, | Under the direction of the Owingsville and Big Sandy Turnpike Road Company, | 78.50 | 37. | 3. | 38.50 | 84,200 00 | 12,630 00 | 96,830 00 | 2,435 00 | 9,705 00 | 90,850 00 | 197,385 00 | – | – | – | – | Exclusive of Licking river bridge. |
| Turnpike road from the Rolling Fork, at Newmarket, over Muldrow's Hill, | Under the direction of the State Board Internal Improvement, | 4.61 | 2.27 | 2.34 | – | 26,367 13 | – | 26,367 13 | 8,721 53 | 44,029 38 | – | – | – | – | – | – | Including width of Rolling Fork. |
| State road from Mountsterling to the Virginia line, | Under the direction of the State Board Internal Improvement, | 138. | – | 138. | – | 17,392 28 | – | 17,392 28 | – | 5,364 00 | – | 22,756 28 | – | – | – | – | Improvements in the road. |
| Road from Pikeville to the Sounding Gap, | Under the direction of the State Board Internal Improvement, | 37. | – | 37. | – | 4,114 09 | – | 4,114 09 | – | 2,000 00 | – | 6,114 09 | | | | | |
| Road from the mouth of Troublesome creek to the Sounding Gap, | Under the direction of the State Board Internal Improvement, | – | – | – | – | 731 50 | – | 731 50 | | | | | | | | | |
| Kentucky river navigation, | Under the direction of the State Board Internal Improvement, | 92. | – | 92. | – | 177,249 69 | – | 213,249 69 | – | 488,155 31 | – | 701,405 00 | | | | | |
| Licking river navigation, | Under the direction of the State Board Internal Improvement, | 51. | – | 51. | – | 13,537 30 | – | 21,725 50 | – | 469,774 50 | – | 491,500 00 | | | | | |
| Green and Barron river navigation, | Green river Commissioners, | 175. | – | 175. | – | 411,874 15 | – | 431,874 15 | – | 48,125 85 | – | 480,000 00 | – | – | – | – | Part of this amount has been expended on the tributaries of these rivers. |
| Cumberland river, | State Board of Internal Improvement, | – | – | – | – | 2,000 00 | – | 2,000 00 | – | 23,000 00 | – | 25,000 00 | | | | | |
| Goose creek and the South Fork of Kentucky river, | State Board of Internal Improvement, | – | – | – | – | 2,500 00 | – | 2,500 00 | – | 3,500 00 | – | 6,000 00 | | | | | |
| Lexington and Ohio Railroad, | Lexington and Ohio Railroad Company, | – | – | – | – | 200,000 00 | 618,278 07 | 818,278 07 | 19,457 00 | | | | | | | | |
| Green river Railroad, | | – | – | – | – | 1,903 00 | 1,903 00 | 3,806 00 | | | | | | | | | |
| Crab Orchard and Cumberland Gap road, | State Board of Internal Improvement, | – | – | – | – | 1,219 75 | – | 1,219 75 | | | | | | | | | |
| Removing fish dams, &c. in the Kentucky river and its tributaries, | State Board of Internal Improvement, | – | – | – | – | 4,735 00 | – | 4,735 00 | | | | | | | | | |
| Hydraulic lime, | | – | – | – | – | 64,188 20 | – | – | – | – | – | – | – | – | – | – | Distributed among the Kentucky, Green, Barren, and Licking river navigations. |
| Surveys, | | – | – | – | – | 11,702 54 | – | 11,702 54 | | | | | | | | | |
| Salaries of Engineers and Secretary, | | – | – | – | – | 40,666 60 | – | 40,666 60 | | | | | | | | | |
| General Expenses, | | – | – | – | – | 9,507 21 | – | 9,507 21 | | | | | | | | | |
| Unexpended balance in hands of Engineers, | | – | – | – | – | 6,834 35 | – | 6,834 35 | | | | | | | | | |
| | | 1,401.04 | 446.62 | 770.11 | 184.31 | 2,392,008 79 | 1,827,793 07 | 4,219,801 86 | | | | | | | | | |

# REPORT

OF

# THE BOARD OF COMMISSIONERS

OF

## Green and Barren River Navigation.

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Frankfort, 29th Nov. 1838.

James T. Morehead, Esq.,
*President of Board of Internal Improvement:*

Dear Sir:—I have the honor, herewith, to submit the report of A. Livermore, Esq., Resident Engineer, upon the line of public works on Green and Barren rivers, and the account current of the Board which has charge of that work.

For the present condition of the locks and dams, and the removal of obstructions from the pools, you are respectfully referred to the first; for the amount of money disbursed upon the line, up to November 29th, to the second.

The weather having been good, the work has, of course, been progressing since the date of the above referred to reports. An appalling accident, attended with the loss of fifteen lives, at No. 3, will, without doubt, suspend, for a time, the closing operation of gravelling the dam at that location; but in the mean time it is entirely secure and available for all the purposes of navigation.

At No. 2, the work, including head race and gates for water power, is complete; and only awaits the final estimate of the Chief Engineer, in conformity with an act of the last Legislature, for the relief of the contractors at this point. Of the result of the sales of water power at this dam, I am not yet apprized, it having occurred since my departure for this place. The race and gates are not yet under contract at dam No. 3, although there has, probably, been power sold at that point. A liberal grant of land has been obtained and the race &c. will be put under contract at as early a date as practicable. No proposition has yet been made to the board, to which they were willing to accede, for the construction of this water way.

At No. 1, in Barren river, ten acres of land have been released to the Commonwealth, and five acres purchased for the use of the surplus water.

Seven acres of land have been purchased at No. 4 for a race and mills.

No. 1, Green river, can be completed during the year 1839, with a favorable season and great energy. From this dam to the Ohio, the channel has been cleared of snags and the banks of stooping trees.

The same work has been effected, to a considerable extent, on the pools extending from No. 1 to No. 2, and from No. 2 to No. 3. The chopping on pools three and four is not yet completed, and some blasting remains yet to be done above No. 4, on the Green river branch.

Upon all of these pools there will be new obstructions formed for a few years, for the removal of which, provision must be made from time to time; and it is not improbable, that during the next year the Board will adopt the plan of removing the timber from the banks, as the most effectual and economical mode of getting over the difficulty.

From the report of the secretary of the Board, you will perceive that $146,257 16 have been expended during the year ending 22d instant; and that $218,429 51 have been previously expended by this Board. Total expenditure upon five works, and intermediate pools, $364,686 67. Add to this $20,927 52 paid for the Board of Internal Improvement for works not under the charge of this Board, and $23,605 43 still on hand, and you have $409,219 62, the total amount received by this Board from all sources, (including $46 62 received for boat stores sold,) since the commencement of this work. This line of works is, however, chargeable with $2,701 15, paid by the Board of Internal Improvement for the transportation of water lime, &c., which explains the discrepancy between the amount received by this Board and that charged to the Green and Barren river navigation, by the Board of Internal Improvement. All of which is respectfully submitted, by order of the Board.

JAS. R. SKILES, *P. B. G. & B. R. Com'rs.*

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## Engineer's Report *on Green and Barren River Navigation.*

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Bowlinggreen,
*Nov.* 20, 1838.

To James R. Skiles, Esq., *President*
*of the Board of Green and Barren River Commissioners:*

Sir:—In compliance with your request I have the honor to report the present state of the improvements, now being constructed, upon the Green and Barren rivers, under the charge of the Board of Commissioners over whom you preside.

The season past has been unusually dry since the fore part of August. The streams therefore have been at a very low stage, affording great facilities for building the locks and dams, since that time up to the present.

Unfortunately for lock and dam No. 1, located at Spotts' Falls, near the Ohio river, a great amount of sickness has prevailed during the favorable part of the season; two hundred cases of sickness are reported by the contractor, as having taken place, during the last four months, upon this job—almost a total suspension of operations was the consequence. The place has now become healthy, and a force is rapidly being collected; about 50 hands are now employed, and I hope to give you a good account of winter operations. I have directed the contractor to make his calculation to build during the winter, whenever the weather will permit. This course I consider necessary, on account of the general unhealthiness of the situation during the summer and fall months.

The masonry of the lock is commenced—only 75 perches yet laid, but I hope before the 1st of April we can have 2,000 perches laid; if this can be done, the lock can be built before the time of the sickly season arrives. A coffer dam is now erected, 20 feet high, which, with the steam engine to pump, will prevent any hindrance by high water, except in very high floods, which, of course, will be of short duration. I think, with a favorable season, we may complete this work in another year.

Lock and dam No. 2, and lock and dam No. 3 are completed—some extra work and the gravelling of the dams not yet complete. Eighty three miles of navigation is afforded by these two works. Much credit is due the contractors for the zeal and energy manifested in pushing these jobs to a final termination. Lock and dam No. 2 had been, throughout, surrounded with great difficulties, all of which have been surmounted, although at a great sacrifice of time and money.

Lock and dam No. 4 have been prosecuted vigorously for the most part of the season. Some hindrance was given to this job by the death of the contractor, Major M. W. Henry, who died last summer. The public have sustained great loss by the death of Major Henry. In him were united industry, honesty, and great energy. Such men should be appreciated, as their services are of great use to the public. The work is now being prosecuted by George W. Henry, son of the late contractor. In him, I trust, the Board will find qualifications superior to his age. He has been associated with his father from the commencement of the work, and is fully acquainted with the details of the contract. I think this work can be easily completed during another season.

The work at lock and dam No. 1, in Barren, is being done as rapidly as the times will admit. This work was much hindered by the character of the foundation for the lock. Much water issued into the pit, and caused great expense in bailing, while the lower excavation of the pit was being done, and the timber foundation and lower courses were being laid. These difficulties have been encountered and overcome by the contractor. He has now laid 1,930 perches of masonry in the lock, and the materials are nearly all provided for both lock and dam. Considerable sickness prevailed at this point, also, greatly hindering the progress of the work. Much credit is due the contractor for his energy in pushing forward this work through the difficulties named. I think this work can easily be completed in another year.

The cutting of the timber off of the banks, and snagging the channels of Green and Barren rivers is a work which has been prosecuted slowly. Hereafter, I would recommend that this work be done by a superintendent, and

not by contract. We find it almost impossible to get this work faithfully done by contract.

It will be necessary to be prepared to take out snags, upon the pools, as they may be thrown into the channel. Much timber is yet growing upon the banks of Green and Barren rivers, and tributaries, which cannot at once be removed without too great an expense. A snagboat, I think, should be built forthwith. If a steam snagboat should be built, would it not be well to make her capable for towing? Many flatboats will likely be run out in a low stage of the river; and, if no means are provided for towing, it will be quite a difficult matter, as there will be no current to assist in running out. A charge sufficient to keep up the expenses of the boat should be paid by the owners of the flatboats.

Considerable work has been done toward preparing for the sale of water-power at lock No. 2. The abutments and head gates are completed. The canal, or head race, is in such a state of forwardness as to insure its completion as it may be wanted for mills now erecting. William Eidson has the contract for excavating the race below the abutments. That part which extends to a point where the water is to be taken out for the upper mill, is to be done this winter; the balance another season. For the first he is to be paid twenty five cents per cubic yard; and the latter, twenty two cents. The cost of the whole work will amount to about $12,000.

I think the works at the other dams will cost an equal amount, in order to render the whole water power available. If these works are put under contract, an appropriation for this purpose will be required. $39,000 will be wanted for this object. The original estimate was calculated only for the abutments and head gates, with the necessary excavation to those points. This was deemed sufficient to place the water power in a situation to be made available at any time thereafter; but authority being given to sell the water power, the canal must at once be extended to the desired point.

Four lock houses are now under contract, viz: At No. 1 in Green river, No. 2, No. 4, and No. 1 in Barren. Wm. Brown has the contract for the first and last. C. D. Ward has the one at No. 2, and M. W. Henry the one at No. 4. The prices vary from 1530 to $1700. The houses are to be built of brick or stone, as the case may be.

The estimates made and returned for works under the charge of your Board, stand as follows, viz:

| | |
|---|---|
| Lock and dam No. 1 in Green river, - - | $44,255 07½ |
| Lock and dam No. 2 do. - - - | 70,328 64 |
| Lock and dam No. 3 do. - - - | 76,716 75 |
| Lock and dam No. 4 do. - - - | 63,385 87½ |
| Lock and dam No. 1 in Barren, - - - | 55,524 50 |
| Total, locks and dams, - - - | $310,210 84 |
| Clearing banks of Green river, from dam No. 1 to dam No. 3, - - - - - - | 3,820 00 |
| Clearing banks of Green river, from dam No. 3 to dam No. 4, - - - - - - | 2,795 00 |
| Clearing banks of Barren, from mouth to Double Spring, | 4,000 00 |
| Amount carried forward, - - | 320,825 84 |

| | |
|---|---|
| Amount brought forward, - | 320,825 84 |
| Lock house at lock No. 2, - - - - | 1,104 30 |
| Head gates and abutments for water power at lock No. 2, | 6,282 60 |
| Total estimate, - - - - | 328,212 74 |
| Deduct amount estimated last year, - - - | 192,944 76 |
| Amount estimated this year, - - | $135,267 98 |

There has been considerable increase in the extra work. The order of the Board requiring a coffer dam, and steam engine for pumping, and pumps for lock No. 1, in Green river, under the advice of Sylvester Welch, Esq., Principal Engineer of the State, has been fulfilled. The coffer dam has been built, and the engine and pump put into operation. The expense attending this, will amount to about $5000. The protection walls, advised by Mr. Welch, if built, will add considerably to the several jobs in the expense. I, however, believe that money enough is now appropriated to complete the works, which will be required, except for the water power, which, as before stated, will require a further appropriation of $39,000.

The suggestion of Mr. Welch relative to a double timber and plank foundation at lock and dam No. 1 in Barren, has not been adopted. The delay and expense attending this plan, induced me to offer for your consideration a different course relative to this work. Had the plan suggested by Mr. Welch been adopted, I verily believe not a stone would have been laid in this lock this season. The expense upon the plan as adopted, may possibly not be less, but I can hardly doubt but the completion of the work will be much expedited, and I have more confidence in the utility of the work upon the plan as adopted.

The calculation now is to increase the base of the dam from 80 feet to 140, and instead of placing the dam at the head of the lock, to place the lower range timbers in line with the foot of the lock. The lower 60 feet of the dam, is to form an inclined apron in such a manner as to prevent, if possible, any reaction upon the foundation at the foot of the lock or dam.—The calculation is to build the crib work under the lower part of the slope, or apron, only four feet square. This plan I think will give sufficient egress to any water that may be forced under the timber foundation of the lock by the pressure from the upper level, and thereby prevent any upward pressure from forcing up the timber or plank foundation. I believe the foundation of the lock is as good as could be found, except a foundation of solid rock. I feel assured from what Mr. Welch told me after visiting our works, that he was misinformed as to the quality of the foundation of this work.

All of which is respectfully submitted.

ALONZO LIVERMORE, Res. Engineer.

# REPORTS

OF THE

# RESIDENT AND ASSISTANT ENGINEERS,

FOR 1838.

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## REPORT *on the Survey of the West Fork and Big Sandy Rivers.*

ENGINEER'S OFFICE, LICKING RIVER NAVIGATION,
*Covington, Nov. 27th*, 1838.

Sir: In compliance with your letter of instructions, dated 7th of April, 1838, requiring me to organize and equip a party for the survey of the West Fork and Big Sandy rivers, and to proceed at the proper time to Pikeville, the point of commencement, to superintend and give detailed instructions to the Assistant Engineer relating to its execution—I have now the honor to report, that by the 25th day of June, I had employed at this place a well instructed surveyor, and other assistants, and had provided the necessary instruments, boats, camp equipage, &c., for the survey, which I placed under the charge of Mr. Eichbaum, and gave him instructions for his government. Early in July I joined the party, a few miles below Pikeville; and after having employed them for a short time in surveying the road from Pikeville to the Sounding Gap, they proceeded to the execution of their work on the West Fork and Big Sandy rivers, which they levelled and surveyed with accuracy and diligence.

I have herewith the honor to lay before you, Mr. Eichbaum's report of the survey, with his plan and estimates for the improvement of the navigation of the two rivers. The map of the survey is in progress in this office, which will be forwarded to you as soon as it is completed.

The plan of improvement suggested by Mr. Eichbaum, if properly executed, would facilitate the passage of the small freight boats that are now used for the transportation, up the streams, of nearly all the merchandize and foreign supplies that are consumed by the inhabitants on the upper part of the Big Sandy river and the West Fork; and would, at some stages of water, enable the large flatboats that are used for the exportation of the coal, corn, staves, tan bark, &c., which are produced in the country, and also the rafts of timber, to descend to the Ohio river; which, without the improvement,

could not pass the shoals with safety. But this advantage would be seldom useful. The freshets every year, not only cause sufficient depth of water, but also a velocity in the current, which enables the heavily laden boats to arrive at their destinations with safety and despatch. For several months in each year, steamboats of 100 tons could ascend with safety as high up the river as Pikeville; and the improvement suggested would never secure an advantage equal to a rise of one foot of water.

There is no practicable wagon road from Pikeville to the mouth of the Big Sandy river. The small freight boats abovementioned are uncovered; about 8 feet wide and 60 feet long; are flat bottomed, but rake at both ends; are very light, and carry, according to the stage of water, from 5 to 20 tons. An improvement that would only enable boats of this description to navigate the rivers from one to two months longer each year than they can at the present time, would do but little to ameliorate the condition of the country.

In the autumn of 1835, I made a reconnoissance and partial survey of the West Fork and Big Sandy rivers, and suggested in my report to the Board of Internal Improvement, dated 27th of December of that year, an improvement of the same character as that by Mr. Eichbaum. Farther reflection upon the subject, however, has convinced me that an improvement of this character is quite insufficient to produce results commensurate in advantages with its cost. The iron and the coal which abound on the banks of the rivers, would still have to depend upon the seasons of high water for exportation.

The shoals are, some of them, strewed with loose fragments of rock. In 1835, the obstructions of this character were partially removed, under the directions of Commissioners appointed by the Legislature. This work should be completed.

I have the honor to be, sir,
Very respectfully,

N. B. BUFORD,
*Resident Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

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Covington, *Ky., Nov. 26th*, 1838.

To N. B. Buford, Esq.,
*Resident Engineer of the Licking River Navigation:*

Sir—I have, agreeably to your directions, made a survey of the West Fork of Sandy river, from Pikeville to its junction with the Tug Fork opposite the town of Louisa; and of the Big Sandy river, from the junction of the West and Tug Forks to its mouth; and now present the following report:—

The valley through which the West Fork flows, is narrow; it is, in some places, nearly a mile wide, but generally not more than six hundred yards wide. The valley of the Big Sandy is wider—the width varying from 500 to 2000 yards. The country back of the river hills is very much broken, and

but thinly populated; the farming operations being mostly confined to the river bottoms or flats, and to the valleys of the principal streams emptying into the main river. The total distance from Pikeville to the mouth of the Big Sandy, at Catlettsburg, is 116 miles, and the total descent 146.50 feet.

In order to consider the different portions of the streams satisfactorily, I have arranged them into three divisions, viz:

Division No. 1—From Pikeville to Prestonsburg. The length of this division is 35½ miles; and the surface of the water at the foot of the town shoal, opposite Prestonsburg, is 43.41 feet lower than the surface of the water opposite Pikeville. The width of the stream at Pikeville is 212 feet, and at Prestonsburg about the same; but at many intermediate points, the width is not more than 180 feet. The height of the river bottom or flat at Pikeville is 47 feet above low water of the Sandy; between Pikeville and the mouth of Beaver creek, the bottoms are in some places not more than 20 or 25 feet in height; at Prestonsburg, the height of the bottom land is 46 feet. The river consists of a succession of reaches or pools of various lengths, separated by ripples or shoals composed in some cases of slate or sand stone, but generally of gravel. The fall of these shoals or ripples varies from 2 inches to 4 feet 9 inches; the length varies from 100 to 2,900 feet. There are many rocks and snags, &c. in the channel. The most considerable tributary upon this division is Beaver, which empties into Sandy upon the west side, 25 miles below Pikeville, and is about 100 feet wide at its mouth.

Division No. 2—From Prestonsburg to Louisa. Length 54¼ miles, and descent from the surface of the water opposite Prestonsburg to the surface of the water opposite Louisa, 78.50 feet. The average width of the river upon this division is 200 feet, and the height of the river bottoms from 40 to 50 feet. From Prestonsburg to the mouth of George's creek, the bed of the stream is similar to that of the first division, excepting that the pools are generally longer, and the falls of the ripples greater. The length of the ripples or shoals varies from 100 to 3000 feet, and the fall varies from 2 inches to 5 feet 3 inches. The shoals are composed of rock, loose rock and gravel. Between George's creek and the 5 mile shoal, which is five miles above Louisa, the pools become shorter, and sand is found more frequently composing the bed of the stream. Below the 5 mile shoal there are but two small ripples; the current is very uniform, and the bed of the river composed mostly of sand. There are numerous rocks and snags in the stream, and leaning trees, which will have to be removed. The principal streams emptying into Sandy upon this division, are John's creek on the east side, and Paint, Tom and George's creeks on the west side.

Division No. 3—From Louisa to the mouth of Big Sandy, at Catlettsburg. Length 26¼ miles, and descent from the surface of the water opposite Louisa to the surface of the water at the mouth of Big Sandy, 24.60 feet. The width of Big Sandy just below the junction of the Tug and West Forks, is about 300 feet; and at the mouth, it is nearly 400 feet from bank to bank. The river bottoms are generally 45 to 50 feet high. The bed of the stream consists of sand, excepting at Tabor creek, and near Blane creek, and at two other places nearer the mouth, where the bed of the river is rock. The current from Louisa to the mouth is nearly uniform, and the sand

is constantly shifting its position, making it impracticable to form a permanent channel. There are many rocks, snags, and leaning trees, which it will be necessary to remove. At the mouth of the river, the bed of the stream is rock, which is at a depth of about 6 feet below the surface of low water; and upon the rock, sand is accumulated, so as to reduce the depth of water at the lowest stage, to not more than 5 inches.

I would suggest, as the mode of improving the channel of the West Fork and of the Big Sandy, which is adapted to the wants of this section of country and its limited amount of trade—the removal of the rocks, snags and leaning trees, and the excavating of a channel through each of the principal shoals or ripples—commencing at the lower end, in about one foot depth of water, and continuing the excavation as far up stream as may be found necessary in order to make the depth of water upon the shoal greater, and the velocity of the current much less than at present. This will not make perfect navigation at low water; but boats will be enabled to pass the shoals with less of a freshet than is necessary in the present condition of the river.

The following is an estimate of the cost of improvement:

DIVISION No. 1.

| NAMES. | Ripples. | Length. | Fall. | Cubic yds of Rock. |
|---|---|---|---|---|
| | No. | Feet. | Feet. | Yards. |
| Long Shoal, - - - - | 3 | 2900 | 4.80 | 600 |
| Graham's Shoal, - - - | 3 | 2290 | 4.80 | 600 |
| Stratton's Shoal, - - - | 1 | 800 | 1.10 | 300 |
| Harry Stratton's Shoal, - - | 1 | 1000 | 2.30 | 400 |
| Whitten's Shoal, - - - | 2 | 1600 | 1.40 | 400 |
| Prater's Shoal, - - - | 1 | 800 | 1.00 | 300 |
| J. Garret's Shoal, - - - | 2 | 1120 | 1.80 | 300 |
| Hawes' Shoal, - - - | 1 | 1350 | 1.70 | 500 |
| Graham's Shoal, - - - | 2 | 2750 | 1.70 | 800 |
| Town Shoal, - - - - | 1 | 1470 | 1.70 | 600 |
| Smaller ripples, - - - | – | – | – | 1000 |
| Rocks in channel, - - - | – | – | – | 2500 |
| Removing snags, leaning trees, &c. | | | | |
| Cost of division No. 1, - | | | | |

DIVISION No. 1.—Continued.

| NAMES. | Price per yard. | Cubic yds Gravel. | Price per yard. | Amount. |
|---|---|---|---|---|
| | Cents. | Yards. | Cents. | Dolls. Cts. |
| Long Shoal, - - - - | 80 | 1200 | 25 | 780 00 |
| Graham's Shoal, - - - | 80 | 600 | 25 | 630 00 |
| Stratton's Shoal, - - - | 80 | 150 | 20 | 270 00 |
| Harry Stratton's Shoal, - - | 80 | 520 | 20 | 424 00 |
| Whitten's Shoal, - - - | 80 | 800 | 25 | 520 00 |
| Prater's Shoal, - - - - | 80 | 290 | 20 | 298 00 |
| J. Garret's Shoal, - - - | 80 | 560 | 20 | 352 00 |
| Hawes' Shoal, - - - | 60 | 500 | 20 | 400 00 |
| Graham's Shoal, - - - | 80 | 800 | 25 | 840 00 |
| Town Shoal, - - - - | 80 | 400 | 20 | 560 00 |
| Smaller ripples, - - - - | 80 | 2000 | 25 | 1300 00 |
| Rocks in channel, - - - | 60 | – | – | 1500 00 |
| Removing snags, leaning trees, &c. | | – | – | 900 00 |
| Cost of Division No. 1, - - | – | – | – | $8774 00 |

DIVISION No. 2.

| NAMES. | No. Ripples. | Length, Feet. | Fall. Feet. | Cub. yrds Rock. |
|---|---|---|---|---|
| Abbot's Shoal, - - - | 1 | 530 | 2.00 | 300 |
| George's Shoal, - - - | 1 | 1300 | 1.60 | 400 |
| Jack's Shoal, - - - | 1 | 840 | 2.70 | 400 |
| Hagar's Shoal, - - - | 3 | 2080 | 4.00 | 800 |
| Little Paint Shoal, - - | 1 | 500 | 1.00 | 370 |
| Connelly's Shoal, - - | 1 | 650 | 1.90 | 720 |
| Hellgate Shoal, - - - | 1 | 520 | 1.70 | 300 |
| Buffalo Shoal, - - - | 2 | 3020 | 5.20 | 1200 |
| Fishtrap Ripple, - - - | 1 | 500 | 1.00 | 100 |
| Greasy Shoal, - - - | 2 | 1250 | 3.90 | 900 |
| Wild Goose Shoal, - - | 1 | 840 | 1.70 | 300 |
| White house Shoal, - - | 1 | 1100 | 3.70 | 900 |
| Little White house, - - | 1 | 650 | 1.30 | 300 |
| Chesnut Shoal, - - - | 1 | 310 | 1.80 | 200 |
| Lost creek Shoal, - - | 1 | 320 | 1.60 | 100 |
| Graves' Shoal, - - - | 2 | 1320 | 4.80 | 600 |
| Log Shoal, - - - | 2 | 1250 | 3.10 | 700 |
| Fishtrap Shoal, - - - | 1 | 930 | 2.50 | 400 |
| Buffalo rock Shoal, - - | 1 | 550 | 1.80 | 600 |
| Chapman's Shoal, - - | 1 | 630 | 1.80 | 300 |
| Twisting Shoal, - - - | 1 | 940 | 2.50 | 400 |
| Five mile Shoal, - - - | 1 | 1510 | 2.80 | 900 |
| Smaller shoals and bars, - - | – | | – | 1500 |
| Removing rocks from channel, - | – | | – | 1000 |
| Removing snags, fallen timber, &c. | | | | |

DIVISION No. 2.—Continued.

| NAMES. | Price per yard. | Cubic yds of Earth. | Price per yard. | Amount. |
|---|---|---|---|---|
| | Cents. | Yards. | Cents. | Dolls. Cts. |
| Abbot's Shoal, - - - | 80 | 380 | 20 | 316 00 |
| George's Shoal, - - - | 80 | 800 | 25 | 520 00 |
| Jack's Shoal, - - - | 80 | 600 | 25 | 470 00 |
| Hagar's Shoal, - - - | 80 | 1270 | 25 | 957 50 |
| Little Paint Shoal, - - | 40 | | | 148 00 |
| Connelly's Shoal, - - | 60 | | | 432 00 |
| Hellgate Shoal, - - - | 70 | 400 | 25 | 310 00 |
| Buffalo Shoal, - - - | 80 | 2000 | 25 | 1460 00 |
| Fishtrap ripple, - - - | 80 | 200 | 25 | 130 00 |
| Greasy Shoal, - - - | 80 | 1000 | 25 | 970 00 |
| Wild goose Shoal, - - | 80 | 400 | 25 | 340 00 |
| White house Shoal, - - | 80 | 1000 | 25 | 970 00 |
| Little White house, - - | 80 | 400 | 25 | 340 00 |
| Chesnut Shoal, - - - | 40 | | | 80 00 |
| Lost creek Shoal, - - | 80 | 200 | 25 | 130 00 |
| Graves' Shoal, - - - | 80 | 800 | 25 | 680 00 |
| Log Shoal, - - - | 80 | 540 | 25 | 695 00 |
| Fishtrap Shoal, - - - | 80 | 500 | 25 | 445 00 |
| Buffalo rock Shoal, - - | 80 | | | 480 00 |
| Chapman's Shoal, - - | 80 | 280 | 25 | 310 00 |
| Twisting Shoal, - - - | 80 | 600 | 25 | 470 00 |
| Five mile Shoal, - - - | 80 | 1000 | 25 | 970 00 |
| Smaller shoals and bars, - - | 80 | 2500 | 25 | 1825 00 |
| Removing rocks from channel, - | 60 | – | | 600 00 |
| Removing snags, fallen timber, &c. | | | | 1300 00 |
| Cost of Division No. 2, - - | – | – | – | 15,348 50 |

DIVISION No. 3.

| | |
|---|---|
| Removing rocks from channel, 1000 cub. yds at 60 cts. - | $600 00 |
| Do. snags, fallen timber and leaning trees, - - | 500 00 |
| Cost of 3d Division, - - - - - | $1,100 00 |
| Cost of 2d Division, - - - - - | 15,348 50 |
| Cost of 1st Division, - - - - - | 8,774 00 |
| Total length, 116 miles; fall, 146.50 feet.—Total cost, | $25,222 50 |

The quantity of water running in the West Fork, immediately above the junction opposite Louisa, was measured on the 15th of August, and ascertained to be 8,800 cubic feet per minute; the surface of the river was, at the time, one or two inches above low water mark. I presume that the quantity of water running when the stream is at its lowest stage, does not exceed 6,000 cubic feet per minute. There is one steam saw mill upon the west side of Big Sandy, about four miles below Louisa; there is another steam saw mill about one half mile below Louisa, on the Virginia side.—This mill was not in operation during the time of making the survey. There is one saw and grist mill at Abbot's Shoal, near Prestonsburg, which is driven by water obtained by raising the water twelve or fifteen inches at the head of Abbot's Shoal. There are also two small mills upon the West Fork, with one run of stones each, for grinding corn necessary for the people near the mills. These works will be stopped by the improvement of the channel.

Coal is found, generally, along the whole extent of the river opposite Prestonsburg; the vein is from three feet to four feet six inches thick, and has been worked to some extent. The veins continue three feet thick as far down as the mouth of Tom's creek; below that, the veins in the valley of the river are not so thick. Coal has been obtained from the bottom of the river, about one mile below Tom's creek—it is there in layers of one foot to eighteen inches thick. The coal which I saw at Prestonsburg and other points on the river, appeared to be of good quality.

Iron ore is found in considerable quantity, between Prestonsburg and the mouth of Big Sandy.

Sand stone, for building purposes, abounds generally along the whole extent of the river.

Oak and poplar timber, Staves, Bark, Ginseng and Beeswax, chiefly constitute the exports from this section of country.

One steamboat ascended the West Fork in 1837, as far as Beaver creek, ten miles above Prestonsburg. During the same year, another steamboat made three trips as far up as the Shoal, five miles above Louisa; and during the spring of the present year, two steamboat trips have been made as far as Louisa.

Respectfully submitted,

GEORGE R. EICHBAUM,
*Assistant Engineer.*

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## REPORT *on North and Middle Fork, Kentucky River.*

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FRANKFORT, *November* 22, 1838.

SIR:

In accordance with your instructions I have made a survey of the North and Middle Forks of Kentucky River, and respectfully submit the following report:

*North Fork.*—The point of commencing the survey being fixed by your instructions at the mouth of Leatherwood creek, from there it was contin-

ued down to the mouth of the Middle Fork, a distance by the course of the stream, of one hundred and twenty one and three tenths miles.

On the first division, from the place of beginning to the mouth of Troublesome creek, a distance of sixty six and four tenths miles, the river runs in a narrow valley between ranges of ridges or hills, which average about five hundred feet above the bed of the stream.

Narrow strips of alluvial land sometimes intervene between the hills and the margin of the river, whose surface averages about thirty feet above the plane of low water.

The average width of the river on this division is about forty yards, and the total descent is two hundred and three feet and eighty six hundredths, or an average of three and seven hundredths feet per mile.

The bed of the stream is generally sand stone or slate, covered for considerable distances with sand or gravel. The banks are usually a narrow strip of alluvial bottom on one side, while its opposite is an abrupt rocky bluff, or sloping hill, reaching to the water's edge.

The second division, extending from the mouth of Troublesome creek to the junction of the North and Middle Forks, a distance of fifty four and nine tenths miles, has a total descent of ninety two and ninety six hundredths feet.

The first section of this division, from the mouth of Troublesome to the mouth of War creek, and embracing a distance of thirty and six tenths miles, has an average width of about sixty five yards over, almost uniformly, a rock bottom, and with an average descent of one foot and fifty seven hundredths per mile. The same general characteristics are observed, as upon the first division, with the exception that the bottoms or alluvial lands are wider and have greater elevation above the surface of the river—averaging about thirty five feet.

The second section, commencing at the mouth of War creek and terminating at the junction of the North and Middle Forks, is in length twenty four and three tenths miles, and descends at the rate of one and seventy seven hundredths feet per mile.

This section includes the "Narrows," through which the channel is reduced to from forty five to fifty yards in width, and the river lined on each side by perpendicular sand stone cliffs, varying from fifty to one hundred and fifty feet in height. Excepting in a few instances where the stream washes the base of the cliffs, for short distances, there is a narrow strip of ground composed of alluvium and fragments of rock, from ten to fifty yards wide, between the cliffs and the river. On the lower ten miles of this section the cliffs recede farther from the river, affording small strips of land from one hundred to three hundred yards in width, whose elevation above the stream is from forty to fifty feet.

The channel through the narrows is much obstructed by masses of detached rock which have fallen from the cliffs, and in some instances almost fill up the stream.

The geological features of the country along the river are very uniform from the commencement of the survey to the head of the Narrows, the hills being composed of alternate horizontal layers of sand stone and slate, interstratified with bituminous coal.

Throughout the Narrows, the cliffs are sand stone conglomerate, and the

boulders which have become detached from them and obstruct the channel of the river, are in many instances, coated with an oxide of iron.

Upon the first division, extending from the mouth of Leatherwood to the mouth of Troublesome creek, a slackwater navigation may be made, suited to the use of boats of such dimensions as would probably be used in carrying coal, &c. on the main river. The cost, per foot lift of the lockage, including the cost of dams, would be about $4,000, exclusive of clearing the banks and the construction of a towing path, which would be necessary; as the channel is so narrow and so many abrupt bends occur that I think it could not be navigated advantageously by steam power.

From the mouth of Troublesome to the junction of the North and Middle Forks, a slackwater navigation may be made, large enough to admit the use of steamboats carrying about eighty tons.

The locks might be made with lifts of from twelve to sixteen feet, and the dams would average about one hundred and seventy feet in length. The stone and timber, necessary for the construction of locks and dams, could be obtained of excellent quality, and in the immediate vicinity of the places where they would be located.

Rock foundations, it is believed, could be selected for the locks and dams, and at points where a natural abutment exists on the opposite side from where the locks should be placed.

*Estimate for a slackwater navigation from the Middle Fork to the mouth of Troublesome Creek, on the North Fork.*

| | |
|---|---|
| For 99 feet of lockage, including the dam and necessary appendages to the lock, at $4,500 per foot lift, - | 445,500 00 |
| For clearing the banks of the river on a distance of 55 miles, at $100 per mile, - - - - | 5,500 00 |
| For blasting and removing 12,000 cubic yards of rock, chiefly in the Narrows, at 50 cts., - - - | 6,000 00 |
| | $457,000 00 |
| Contingencies, engineering, superintendence &c., 10 per cent., - - - - - - - | 45,700 00 |
| | $502,700 00 |
| Average cost per mile, - - - - - | $9,140 00 |

The coal mines now opened, and from which the principal shipments are made on this fork, are situated on the twenty second, sixty second, sixty sixth, seventy fourth and eighty first miles, respectively, from the commencement of the survey. The first of these is situated on the south side of the river, and about sixty feet above the plane of low water; it is 3½ feet thick, and has been worked about 40 feet under the hill.

The second is similarly situated with the first; being on the south side of the river, and about 60 feet above the surface of the water—this vein is five feet and three inches thick, including a stratum of slate of fifteen inches in the centre of the coal vein, leaving four feet of good coal.

The third vein is on the same side of the river, opened along the face of a ridge, whose summit is about five hundred feet above the bed of the stream. The vein of coal is two hundred and seventy three feet above the low water surface, and has several openings in a distance of one hundred and twenty yards. The thickness of the stratum of coal varies from three and a half to four feet, at the different places where excavations have been made.

The variety denominated cannel coal is furnishsd from this mine, and the greater proportion of it is of this character; there is generally, however, about one foot of bituminous coal above the harder variety.

The fourth is on the south side of the river, and about thirty feet above it, and is about four feet thick. The fifth is opened along the face of an abrupt and nearly perpendicular bluff, about one hundred feet above the surface of the river, and is four feet in thickness.

At none of these mines, have the excavations been made to a greater distance into the hill than about one hundred feet, and consequently the true quality of the coal remains yet to be developed.

There are several other openings made of veins of coal, from which small quantities have been mined; but the ones before enumerated comprise those most extensively worked.

The quality of the coal of this region is accurately described in the report of the Chief Engineer of Kentucky, made to the Board of Internal Improvement in 1836.

The establishments for the manufacture of salt are situated as follows, viz:

The first and most important is at the mouth of Leatherwood creek, where about fifty bushels are made per day, and water in sufficient quantity to yield about three times that amount. On the sixtieth mile is an old establishment, where a considerable amount of salt was formerly made, but the works are now out of use.

On Troublesome creek, about one and a half miles from its mouth, are works, where about ten bushels of salt are made per day.

At the town of Hazard, on the nineteenth mile, a salt well is being bored; it is sunk to the depth of two hundred and fifty feet, and salt water obtained. The proprietor continues to bore, and entertains no doubt of securing an abundant supply of good water. The indications of the existence of this valuable article are so frequent, that no doubts are entertained of procuring it by boring three or four hundred feet, at almost any point along the river, from the mouth of Leatherwood to the Three Forks.

At several points along the margin of the river, iron ore, in small quantities, was discovered, samples of which were collected and are deposited in the Engineers' office.

The most valuable varieties of timber are ash, oak, poplar, and yellow pine, which exist in great quantities along the river, so far as the survey extended; the latter is found principally upon or near the summits of the ridges.

The products of agriculture are, and must continue to be, limited, along this stream, as the only land suitable for cultivation, is the narrow river bottoms and those of the creeks and branches tributary to the river.

At present there is no surplus made, excepting some live stock, which is usually driven to a market east of the mountain.

The quantity of coal shipped from the mines on this fork, during the last

season, amounted to about forty thousand bushels; about four thousand saw logs, of oak, poplar and pine, were also sent out during the same time.

These amounts are not a criterion by which to judge of the annual export of the articles enumerated; as I was informed, by those engaged in mining and forwarding coal, that the last season was unfavorable to their operations, the freshets having been less frequent than usual.

By the improvement proposed, from the junction of the North and Middle Forks to the mouth of Troublesome creek, it is believed that no damage would be done to private property.

*Middle Fork.*—The survey and leveling upon this stream was commenced at the point where the Manchester and Hazard road crosses it, and continued thence down to its junction with the North Fork, a distance of sixty seven and ninety six hundredths miles; and the total descent ascertained to be one hundred and sixty nine and two tenths feet, or an average fall of nearly two and a half feet per mile.

The general character of the country through which the river flows, until within ten miles of its mouth, is in most respects similar to the first division of the North Fork; being composed of ridges or hills confining the river to a narrow valley, and affording but a small portion of land suitable for cultivation along the stream. Where narrow alluvial bottoms occur, their height from the surface of low water is from twenty five to thirty feet.

The general width of the river is about forty five yards, and its channel on this portion of it, much obstructed by Islands.

Upon the lower ten miles, next the mouth, the valley becomes much wider, and affords farms of from fifty to one hundred and fifty acres between the ridges and the river; the height of these bottoms is from thirty five to forty feet above the low water surface.

The ridges or hills in the vicinity of the river are not so high as those on the upper portion above described, and do not average over two hundred feet above the bottom lands.

The channel of the river is reduced on this part of it to about thirty five yards in width, and in several places has detached masses of rock, partially filling up the bed of the stream.

The character of the rock is the same with that on the first division of the North Fork, heretofore described.

The veins of coal, so far as they came under my observation, were generally not so thick as those upon the North Fork, and, in most instances, have an inclination, in a southeast direction, of about two degrees.

The largest vein worked was upon Rush creek, a small tributary of the Middle Fork, and about half a mile from the river; this bed was three feet and ten inches in thickness.

The thickness of the veins from which coal is generally taken along this stream, does not exceed about three feet, but I have no doubt that the best veins remain yet to be opened.

I was informed, that about eight miles above where the survey was commenced, a considerable quantity of salt was formerly manufactured, but from some cause the works are not at present carried on, and I am not apprised that any of this article is now made upon or near the Middle Fork.

The same varieties of timber are found along this stream, as those described upon the North Fork, and in great abundance.

Some specimens of iron ore were collected and deposited in the Engineers' office; I did not, however, observe any considerable quantity in any one place, and the samples were mostly obtained immediately along the margin of the river.

The amount of agricultural produce is not more than sufficient for the wants of the inhabitants, and no surplus is furnished for transportation upon the river.

From the best information I could obtain, the quantity of coal sent out in flatboats, during the last season, was about five thousand bushels. In addition to this, about one thousand saw logs were run out; these two items constituting the principal exports from this stream.

The improvement best adapted to this stream, so far as it was surveyed, would be similar to that which should be adopted on the first division of the North Fork, and the cost would be at the same rate per foot lift for the lockage, including dams.

The freshets which occured during the time of making the surveys, rendered it impracticable to ascertain the minimum quantity of water furnished by either stream; but the information derived along the rivers, warrants the conclusion that a sufficient supply would be found during nearly the whole season, for a navigation, as large as the width and sinuosities of the stream would justify.

The field books, herewith filed, contain data for estimates of the cost of removing obstructions to descending navigation upon both streams.

Respectfully submitted.

W. B. FOSTER, Jr., *Resident Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

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## Report *on Cumberland River.*

Engineers' Office, Frankfort,
*November* 20, 1838.

Sir:

I have the honor to submit the following report of the condition and progress of the work done for the improvement of Cumberland river, for a descending navigation, from the mouth of Laurel to the Tennessee line, as authorized by the ninth section of the "Act further to provide for the Internal Improvement of the State," approved February 16, 1838.

It was ascertained, early in the month of June, that William McKnight, Esq., United States' Agent, was making preparation for executing all the work necessary for clearing the banks of the river at the bends and at the islands, and for the removal of all logs, roots and snags, from the bed of the

stream, which might impede the passage of descending boats, between the mouth of Laurel and the Tennessee line. Preparations were, therefore, made for carrying into effect the above named section of the act, so far only as related to the Great Shoals.

At a subsequent period, however, it was found that no work would be executed by the United States' Agent above the head of the Great Shoals, because of the difficulty which it was feared would attend the passage of the snagboats, &c. over them, after having consumed the early part of the season above.

His operations were, therefore, confined to that portion of the river between the foot of the shoals and the Tennessee line; and, as the season was too far advanced to make preparation for doing the work omitted by the agent, no work has been done by the authority of this State above or below the Great Shoals.

Having failed to make contracts for executing the work proposed to be done, on favorable terms, it was determined to appoint an agent to superintend the work, under the direction of the resident engineer. Mr. Charles F. Taylor was selected; who, after purchasing the necessary tools and materials, and erecting buildings to be occupied by the laborers, commenced operations on the 3d of September—removing all the loose rock from the boat channel on all the shoals, together with all the points or projections rising above the general level of the rock bottom. No blasting was required on the upper shoal; but the projecting points at the foot of each of the lower shoals were removed, after the arrival of the powder and the preparation of implements, and before the water rose. But as the current is very strong at these two points, the shattered fragments of rock will be washed from their beds at every rise of the water, and will be cast into heaps near the foot of each shoal: thus creating obstructions which will require removal at intervals of one or two years; while the more firm and solid portions will remain fixed, forming projections above the general level, and becoming obstacles in their turn.

Some labor will be required during the next season to maintain an even surface on the shoals; but the amount, it is hoped, will not be great.

During the time occupied in performing the work above mentioned, preparations were made for building two wing-dams on Smith's Shoal. A contract was entered into for the delivery of the necessary timber at the top of the cliff, which is about two hundred and fifty feet high, from whence it was thrown down, and rolled to the sites of the dams. On the 19th of September the upper dam was commenced, and the work was steadily prosecuted until both were completed, on the 1st of November.

These dams extend from the left bank of the river into the stream, commencing in a direction nearly perpendicular to that of the current, and gradually curving down the stream, so that at the lower end they have a direction parallel with it.

The head of the upper dam is joined to the bank at a point nearly apposite to the head of the old wall, a short distance below the head of the shoal. It is five hundred and eighty seven feet long: about eighty feet of the lower end is in a straight line, parallel with the direction of the current, and distant about three hundred feet from the right bank; the remaining length, of about five hundred feet, curves gradually toward the left bank, where, as

before mentioned, its direction is nearly perpendicular to that of the current.

The lower dam is not connected directly with the bank of the river, but joins the wing-dam of the mill belonging to Mr. George Smith, at a distance of about fifty feet from the shore, and at about seven hundred and thirty feet farther down the stream than the head of the upper dam. It is five hundred and forty seven feet long, and is similar to the upper dam—curving out into the stream, and terminating at a point about the same distance from the right bank; an equal portion of its length is straight and parallel with the direction of the current.

The width of the dams, at the base, is eighteen feet; and the average height, above the bottom of the stream, is five feet four inches. The materials used in their construction are, white oak timber and stone: the timbers are framed together and bolted to the rock; and the spaces between them are filled with stone, taken from the old wall. The wall has been entirely removed, leaving a clear space, at least three hundred feet wide, between the ends of the dams and the right bank, for the passage of boats, &c.

In constructing these dams, range timbers, about forty feet each, in length, and eighteen inches in diameter, were laid down on the rock, in the proper curve, for the direction of the dam; two inch holes were bored through them at intervals of about twelve feet, and, at the corresponding points beneath, holes of the same diameter, and eighteen inches in depth, were drilled into the solid rock; a wooden pin, two inches in diameter and two feet long, was then inserted in the hole in the range timber, and was driven through it into the hole in the rock below; after which, an iron bolt, three quarters of an inch square, was driven through the pin, pressing the fibres of the wood against the sides of the hole in the rock, and in the range timber, and uniting them very firmly together.

On the top of these range timbers, and in a direction perpendicular to them, cross ties, fourteen inches in diameter, and eighteen feet long, were laid at intervals of twelve feet: these ties were united with the range timbers by a dovetail joint and a wooden pin at the one end, and at the other to the rock bottom, by a wooden pin and iron bolt, of the same size, and in the same manner, as has already been described for fastening the range timbers to the rock. A second course of range timbers, sixteen inches in diameter, was then placed on top of these ties, above the first course, which was united to them by a two inch pin to each tie; these range timbers were surmounted by a second set of ties, twelve inches in diameter, and eighteen feet long, placed at points intermediate to those of the first set, and at the same distance apart; these ties were fastened to the second course of range timbers, by a dovetail joint and pin at the one end, and to the rock by a pin and an iron bolt at the other, as before described. Parallel with these range timbers, and at about eight feet distant, a centre range timber, twelve inches in diameter, was placed, overlaying the first set of ties, and underlaythe second set; to each of which it was united by a notch and pin. On top of the second set of ties, the third course of range timbers, twelve inches in diameter, was placed, and fastened by pins: this last course was also tied at intervals of twelve feet, by a set of timbers, ten inches in diameter, and nine feet long, which were notched and bolted to the top of the range timber, at one end, and notched under the centre range timber, at the other.

The whole body of the dam between the ties was then well filled with stone of various sizes, the upper surface being made to correspond with the slope of the second set of cross ties. A covering of large flat stone, overlaying one another, so as to give additional stability to each, and presenting no angles or points opposed to the direction of the current, was afterward laid over the whole of the upper surface of the dams, with the exception of about forty feet in length of the lower end of each, where the stone were set on their edges and well wedged together. The latter plan would have been pursued throughout the entire length of the dams, but for the want of proper tools and workmen required to execute it with the necessary degree of dsipatch: and since a covering similar to the one first described was used on the dams formerly built on Long Shoal, which has resisted the action of the current and of floating bodies very well, no danger was apprehended in adopting the same plan for those erected during this season.

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| The whole amount of money expended in building the dams, and removing points of rock and loose stone from the boat channel, including the cost of buildings, tools, wages, subsistence, materials, &c. and exclusive of superintendence, amounts to - - - - - - - - - - | $3,199 69 |
| From which deduct the value of tools and materials on hand, which will be used in prosecuting the works during the coming season, - - - - - - - - - - | 535 00 |
| Net cost of dams and other work executed, - - | $2,664 69 |
| The cost of building the two dams, including the cost of workmanship, materials, wear and tear of tools, and removing the old wall, is - - - - - - - - - - | $2,170 69 |
| The cost of removing rock from the channel, on Smith's Shoal, - - - - - - - - - - - | 224 00 |
| The cost of removing rock from the channel on Long Shoal, | 212 25 |
| The cost of removing rock from the channel on Shadowen's Shoal, - - - - - - - - - - - | 57 75 |
| | $ 2,664 69 |

The aggregate length of the two dams being one thousand one hundred and thirty four feet, the cost per foot lineal, including timber, iron, stone, &c., and excluding superintendence, amounts to one dollar and ninety one and a half cents.

It is not to be presumed that the dams on Long Shoal can be constructed at so cheap a rate, on account of the difficulty of procuring timber and stone. The cliffs which inclose it are much higher than those on Smith's Shoal, and the stone at the foot of them are generally too large and misshapen to be used without the expense of breaking.

A supply can be obtained from the three old dams, either for the construction of three new dams, or for any alterations in the shape of the present ones which may be thought necessary; but for any greater number, stone must be obtained from the base of the cliffs.

The whole of the dams on Long and Shadowen's Shoals might be built

during the ensuing season, if required; but it is hoped that the progress in construction will be gradual, in order that an opportunity may be afforded for observing the effect produced by those already erected, and for making such alterations in those hereafter to be built, as experience may suggest.

All of which is respectfully submitted.

ANTES SNYDER.

SYLVESTER WELCH, Esq.,
*Chief Engineer of Kentucky.*

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## REPORT *on Goose Creek and South Fork of Kentucky River.*

ENGINEER'S OFFICE,
*Frankfort, November* 24, 1838.

SIR:

I have the honor to submit the following report of the progress and present condition of the work which has been executed during the past season, for the improvement of Goose creek and the South Fork of Kentucky river, for a descending navigation.

In compliance with instructions, I entered into contract with Mr. Hiram Hibbard, for the removal of all rocks, logs, snags, roots, &c., which were considered to be impediments to the navigation of the East Fork of Goose creek, below Wilson and Quarrier's steam mill; and with Mr. Elhanan W. Murphy, for the performance of the same kind of work on Collins' Fork, below Alexander White's salt furnace.

A specification was attached to each contract enumerating the items, and describing the manner in which the work was to be executed.

I endeavored also to make contracts for the removal of obstructions in Goose creek; but, on finding that the prices demanded for executing the work very far exceeded its value, I declined making farther contracts.

James H. Garrard and Dougherty White, Esqs., having been appointed Superintendents, were instructed to procure tools and implements, engage the services of foremen, and hire the necessary number of laborers to perform the work directed by the instructions. They have gone on to perform the duties assigned to them, and the laborers have been employed up to the tenth of the present month, in removing or breaking down all prominent points of rock in the shoals, removing loose rock, fish traps, logs and drift, some small rock bars and other obstructions from the channel, together with certain points of rock and gravel bars, which projected into the stream, from the banks; and have formed landings at a few points, by clearing the banks on Goose creek.

On the South Fork of Kentucky, they have also removed the loose rock and projecting points from the shoals, and have taken down some fish traps, and the wing of the mill dam below the mouth of Island creek.

The amount of work done upon and near the Narrows, has been greater than on any other equal portion of the stream.

The new cut along the Narrows has been deepened, and the dam across the old channel, at its head, has been raised. Points of rock, at various places, including those which projected from the left bank above the rock, known by the name of Allen's rock, and those next below the same rock, with the gravel bars projecting from the same side, have been removed.

Very little of the shelving rock, in the new channel at Allen's mill, has been blasted; but the loose rocks at its foot, and about thirty feet of the right hand portion of the island, below this channel, have been removed.

The point on the left, at the bend below the island, has also been cut off; but no work has yet been done on the point on the right, or in the eddy on the left, at the bend below.

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| The whole amount of money expended in labor, tools, provisions, &c., is - - - - - - - - - | $1,921 69 |
| To which add payments on the contract with H. Hibbard, | 250 00 |
| Total amount paid, - - - - - - - - | 2,171 69 |
| There will be due during the present winter on contracts, | $383 00 |
| For labor performed and not paid for, (about) - - | 400 00 |
| | $ 783 00 |

The contracts made with Messrs. Hibbard and Murphy, had not been fulfilled on the 8th of the present month. Upon examining the work, it was found that portions of it had not been done in accordance with the terms of the agreement: they were directed to make such alterations as seemed to be necessary, and it is presumed, that at the present time, the work on both Forks has been completed.

The price agreed upon for all the work to be done on the East Fork, by Hiram Hibbard, was $350—two hundred and fifty of which has been paid.

The price agreed upon for work to be done on Collins' Fork, by E. W. Murphy, was $283—none of which has yet been paid.

Neither of the dams mentioned in the last year's report has been built: the one which was designed to be placed at the mouth of Laurel creek, will not be built; but the one at the head of the channel, in the Narrows, ought to be constructed during the approaching season.

The work to be done hereafter, will consist of the dam just mentioned; the removal of the shelving rock in the channel in the Narrows; the removal of points of rock below the narrows; the formation of landing places; the removal of rocks from some of the shoals which could not be effectually cleared during the past season; and the removal of logs, drift, &c., and the girdling of leaning trees—so far as the balance of the appropriation will permit.

All of which is respectfully submitted.

ANTES SNYDER.

SYLVESTER WELCH, EEQ.,
*Chief Engineer of Kentucky.*

## Report on *Rough Creek, Pond River, Muddy River, Nolin, Caney and Bear Creeks.*

Frankfort, *Ky., Nov. 24th,* 1838.

Sir—The following statements exhibit the measures taken, in compliance with your instructions, for improving some of the tributaries of Green river, for descending navigation; and estimates for similar improvements upon others, herein referred to.

*Rough Creek.*—For the removal of obstructions to descending navigation on Section No. 1, and extending from Green's mills, at the Great Falls, to Nall's upper mills, a distance of about 25 miles—a contract has been made with Joseph Wilson, dated September 15th, 1838; and a duplicate of it, embodying the specifications of the manner in which the work is to be executed, is herewith submitted.

A contract was also entered into, on the 14th day of September last, with Harrison D. Taylor, for executing the work, of similar character, on Section numbered two; embracing, from Nall's upper mills to the village of Hartford, a distance of about twenty six miles. The duplicate of this contract, including the specifications, which is herewith communicated, will explain the manner in which the work is required to be done.

Agreeably with the prices stipulated in the contracts abovementioned, the cost of the work is estimated as follows:

Section No. 1.

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| For clearing the channel of snags, cutting up the fallen timber, removing fish dams, &c., and clearing the banks to an average height of nine feet above the low water surface, on 25 miles, at $49 per mile, | $1,225 00 |
| For removing the leaning timber which projects over the stream, so as materially to interfere with descending boats, and which is above the line or level above designated, on 25 miles, at $13 per mile, | 325 00 |
| For removing 1,175 cubic yards rock, at 50 cents, | 587 50 |
| Aggregate cost of Section No. 1, | $2,137 50 |

Section No. 2.

| | |
|---|---|
| For clearing the channel and banks, as on Section No. 1, for 26 miles, at $45 per mile, | $1,170 00 |
| For removing leaning timber, as described on Section No. 1, on 26 miles, at $17 per mile, | 442 00 |
| For removing 18 cubic yards rocks, at 75 cents, | 13 50 |
| For removing 370 cubic yds. earth, at 20 " | 74 00 |
| For additional clearing, | 20 00 |
| Aggregate cost of Section No. 2, | $1,719 50 |

Making the cost of the improvements, if completed at the present contract prices, $3,857 00.

*Pond River.*—A contract was made on the 8th of October last, with John S. Eaves, Sanders Eaves and Wm. A. Eaves, for doing all the work necessary to improve the descending navigation of this stream, from the point where the Greenville and Hopkinsville road crosses it, to the Island Ford, a distance of about fifty eight miles.

A duplicate of this contract, embracing the specifications of the manner in which the work is to be executed, is herewith submitted.

The estimated cost of the work at the contract prices, is as follows:

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| For clearing the channel of snags, cutting up the fallen timber, removing fish dams, &c., and clearing the banks to an average height of nine feet above the low water surface, 58 miles, at $40 per mile, - - - - - - - | $2,320 00 |
| For removing the leaning timber, which projects over the stream so as to materially impede the passage of boats, and which stands above the line or level above designated, 58 miles, at $6, - - - - - - - - - - | 348 00 |
| For removing Morgan's old mill dam, - - - - - | 80 00 |
| For removing 100 cubic yds rock, at 50 cts. (estimated,) - | 50 00 |
| Aggregate cost of 58 miles, - - - - - - | $2,798 00 |

*Muddy River.*—Upon this stream, Maj. John W. Powell was employed as superintendent, at a compensation of two dollars per day while employed in directing the work.

On the 28th of August last, he was directed to procure the necessary tools, &c., engage laborers, and proceed to the execution of the work; and, if practicable, complete the improvement, as contemplated, up to the Wolf Lick Fork, during the present season.

I examined this work on the 30th of October last, at which time the superintendent had progressed to within six miles of the mouth of Wolf Lick Fork, having removed the obstrubtions to descending navigation on a distance of thirteen miles.

The first nine miles, commencing at the mouth of the river, had been worked on, under the direction of Commissioners, appointed some years since, by the Legislature, and the obstructions principally removed.

At the date of the examination before mentioned, I directed the superintendent to discontinue work on that part of the stream where he was then engaged, and proceed to cut down, and cut into suitable lengths, such trees as remained standing along the banks, on the lower nine miles of the river, and which would, if left standing, be surrounded by the slack water formed by Dam No. 3, on Green river; and after completing this, to preceed to the upper part of the stream, and prosecute the work to completion this season, if the water remained low, and the weather continued favorable for his operations.

The amount expended, for the purchase of boat, tools, camp equipage, laborers' wages and subsistence, up to the 30th Oct. was $589.

A copy of the instructions given to the superintendent, is herewith submitted.

Owing to the illness of the contractor for Section No. 1, of Rough Creek, no work had been done upon it at the date of my last visit there—about the 20th of October. He, however, intended making some progress with his work the present season, if the water remained low enough for it.

On the 23d of October, an examination was made of Section No. 2, of Rough creek, and an estimate made and certificate granted, amounting to $594. This amount of work had been done on about fourteen miles, commencing at Hartford, and extending up the stream; and the contractor was directed to proceed no farther up the stream, until he should have gone over and completed, agreeably with the specifications, that portion over which he had already worked.

On the 3d day of the present month, an examination was made of Pond river; the contractors had made a commencement of the work at Morgan's mill dam, and reached a point about 4½ miles below it, intending to complete their work from that point to the Island Ford, a further distance of about 7½ miles, during the present season.

No estimate has been made for work done upon this stream; as by the terms of the contract, it is not due until the first day of December next.

*Nolin.*—The distance examined along Nolin, is estimated at fifty six miles, commencing at Millerstown, and terminating at the mouth of the river.

Obstructions were noted at several places, consisting of rocks in the channel, leaning timber on many of the points, numerous fish dams, and on the lower portion, some fallen timber and snags.

There are also two mill dams across the stream, which are regarded by persons accustomed to navigating the same, as more dangerous obstacles than those before mentioned. The first of these dams, owned by Esq. Dawsey, is located about sixteen miles below Millerstown; it is nearly seven feet high, and has, since its erection, entirely blocked up the navigation.

Hardin's mill dam, which is five feet and three inches high, is situated nineteen miles from the mouth of Nolin; it is built at the head of a long shoal, over which the water passes very rapidly during freshets, and renders it almost an impassable obstacle.

At Dawsey's dam, the mill house has been carried away by the floods, and the proprietor is about preparing to rebuild it. I however advised him to defer any progress towards rebuilding, until it was ascertained what further order the Board of Internal Improvement should make on the subject of removing the obstructions.

Unless this dam is removed, or its height reduced from three to four feet, removing the other obstructions would accommodate but a limited amount of trade; as the country below it furnishes but a small quantity of surplus produce.

By reducing the level of Hardin's dam to four feet, for a space of forty or fifty feet, and removing a point of rocks a short distance below the dam, and a small portion of an island composed of detached rock and gravel, I am of opinion that the passage over it would be rendered safe, at all times when there is sufficient water to pass the shoals generally.

The cost of the improvements necessary to a safe descending navigation, is estimated as follows:

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| For removing 1,325 cubic yds rock, at different places, at 40 cts., | $530 00 |
| For removing 416 cub. yds detached rock and gravel, at 30 cts., | 125 00 |
| For clearing channel at two several islands, - - - | 30 00 |
| For reducing Hardin's dam to 4 feet in height, - - - | 75 00 |
| For removing Dawsey's dam, - - - - - | 80 00 |
| For removing leaning and fallen timber, snags and fish dams, on the whole distance, - - - - - - | 460 00 |
| For Dawsey's mill privilege, (say) - - - - - | 200 00 |
| | $1,500 00 |

It is questionable whether the owner of the dam last mentioned, (Dawsey's,) had any legal right to erect it of such height, as not only to obstruct the navigation, but entirely to destroy it; and if, upon investigation, it shold prove that he had not, then the last item in the foregoing estimate should be deducted—leaving $1,300 as the probable cost of making a safe and valuable descending navigation from Millerstown to the mouth of the stream.

The sum of one thousand dollars, appropriated by the Board, if expended in removing the most dangerous obstacles, would greatly improve the navigation; but as my estimate for such as I thought ought to be removed, exceeds that amount, no arrangement has been made for having any portion of the work done.

*Bear Creek* was examined from the mouth, up to McClure's Fork, an estimated distance of thirty miles, and the obstructions found to be of the same description as those on Nolin, viz: Mill dams, rocks in the channel, and leaning and fallen timber.

The first dam is situated nearly five miles from the mouth of the creek; it is about ten feet high, and is generally, during freshets, covered to such depth by the backwater from Green river, that boats pass over it without much difficulty.

The second is located about seventeen miles from the mouth; it is eight feet high, and could only be passed during an extraordinary flood.

I was informed that but two laden boats have ever passed out of this stream; and they were built and received their freight below the dam last mentioned. The cost of removing the obstructions to descending navigation, exclusive of the mill dams, is estimated as follows:

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| For removing 834 cubic yards rock, at 50 cts., - - | $417 00 |
| For removing leaning and fallen timber, snags, &c., - - | 300 00 |
| | $717 00 |

The country bordering the creek, on the lower fifteen miles, is thinly inhabited, from the fact, that the soil is unproductive, and not capable of sustaining any considerable population. On the upper portion, the creek bottoms afford some tolerably good farms; but the uplands are poor and unproductive.

I was not able to obtain any satisfactory information with regard to the surplus products of the country adjacent to the creek; but judging from the limited amount heretofore sent out of the stream, and the general appearance of the soil, so far as it came under my observation, my opinion is, that this stream would not become an outlet for any considerable trade, if the obstructions I have estimated, were removed.

The lumber made at the mills above mentioned, is used chiefly in the country adjacent to them; and none, as yet, has been run out of the stream.

*Caney Creek.*—The examinations along Caney creek, embrace a distance of about forty five miles; commencing at Bracher's mill, and terminating at its mouth.

The leaning and fallen timber constitute the obstructions to descending navigation, along this stream; and which, in many places, have almost filled up the channel, rendering a passage out of it, very difficult and tedious.

The mode of improvement which suggests itself, is to cut up into small pieces, the fallen timber and snags, and remove from the banks, all such trees as project so far over the stream, as to interfere with the passage of boats.

On the whole distance, I have estimated $20 as the average cost per mile, of removing these obstructions; making an aggregate for forty five miles, of $900.

The lands along this stream, as far as it was examined, are generally of good quality, and where cultivated, yield a considerable amount of surplus produce. Where they are not cleared and cultivated, they are covered with large and valuable oak and poplar timber.

There was shipped out of Caney creek, during the last year, about 200 hogsheads of tobacco, with other produce, such as corn, pork, &c.; amounting, in all, to about five hundred tons.

There is also a considerable quantity of lumber made at Bracher's and at Knight's mills; the former situated at the point where the examinations were commenced, and the latter about two miles from the mouth of the creek. This lumber is used principally in boat building, and for other purposes, in the surrounding country; none, as yet, having been sent out of the stream for a distant market.

By the expenditure of a smaller amount than that estimated, the navigation could be much improved; and if the whole amount proposed, were judiciously applied to removing the obstructions before mentioned, it would be as safely navigated as Rough creek, to which it is tributary.

Very respectfully, your ob't serv't,

W. B. FOSTER, Jr.,
*Resident Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

CONTRACT. *The Commonwealth of Kentucky with Joseph Wilson—Section No. 1 of Rough Creek.*

MEMORANDUM of an agreement entered into this 15th day of September, in the year of our Lord one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by William B. Foster, Jr., Resident Engineer, and authorized agent of said Commonwealth, of the first part, and Joseph Wilson of the second part, witnesseth: That for and in consideration of the payments hereinafter mentioned to be made, the said Joseph Wilson doth promise and agree to do all the work hereinafter specified for the improvement of the descending navigation of that portion of Rough Creek designated as Section No. 1, and extending from "Green's Mills" at the "Great Falls" to "Nall's Upper Mills."

*Specifications.*—All the fish dams, trees, logs, stumps, roots, brush, snags and timber in the channel or bed of the stream, will be disposed of in the following manner, to-wit:

The fish dams will be removed or reduced to a level with the low water mark, and the materials of which they are composed, placed wholly out of the way of the navigation. The trees, logs, snags and timber, will be cut into lengths not exceeding twenty feet; the stumps and roots will be cut down even and level with the low water surface, and the brush trimmed and cut so as not to exceed twenty feet in length.

Where trees, or parts of trees, snags, &c., are lying on the bank below the top, they are to be cut up into lengths not exceeding twenty feet, and all roots and stumps situated below the line or level of cutting timber, generally, are to be trimmed down, so as to present no obstruction to the safe navigation, or landing along the banks of the stream.

On the concave side of the stream in the bends, the trees, saplings and bushes, shall be cut quite even with the surface of the ground from the low water plane to a point ten feet perpendicularly above it, and upon the opposite or convex side to a point eight feet above the low water plane. Where the direction of the stream is straight, or nearly so, eight feet from the plane of low water, (perpendicularly,) shall be the height to which the timber shall be cut on each side of the stream. These trees, saplings and bushes, shall be thoroughly trimmed up, and the bodies and brush cut into lengths not exceeding twenty feet. In cases where stooping trees occur, or trees or saplings partially undermined and in danger of falling into the stream, they shall be cut down close to the ground, be trimmed of the limbs and brush, and cut up in like manner with those below the points designated, notwithstanding they may be above the line or level for cutting timber generally.

Where islands or bars occur, all the standing timber and brush shall be thoroughly grubbed, and together with the drifts or accumulations of timber of every description, shall be cut up into lengths not exceeding twenty feet. At points where cutting the timber to the level designated, would extend back upon low grounds to an unreasonable and unnecessary distance, the height to which it is to be cut may be reduced, at the discretion of the Engineer or agent having charge of the work. At several points along the

creek, rock will have to be excavated and removed, which will be designated by the Engineer.

In consideration of the work so to be done and executed, it is agreed and understood, that there shall be paid by the Commonwealth to the said party of the second part, as follows, to-wit:

For doing all the work before described, except for cutting the trees abve the line or level of eight and ten feet, at the rate of forty nine dollars per mile in length of said creek, to be estimated agreeably to a survey made of said stream, by and under the authority of said Commonwealth in 1836.

For cutting timber, agreeably to the specifications, above the line of eight and ten feet—for all trees not exceeding one foot in diameter, twenty five cents.

For all trees over one foot and not exceeding two feet in diameter, fifty cents.

For all trees over two feet, and not exceeding three feet in diameter, one dollar.

For all trees over three feet in diameter, one dollar and seventy five cents.

For excavating earth, per cubic yard, twenty five cents.

For excavating rock, per cubic yard, fifty cents.

It is understood that the prices affixed to the above items, are to include materials of every description required to finish and complete the work. Where rock or other excavations are to be made, the material to be removed is to be measured before it is taken out.

No allowance will be made for bailing water; and no extra allowance will be made in any case for the performance of this contract, beyond the sum stipulated therein, except for additional or extra work.

It is further understood, that if any items of work necessarily occur, and which are not described nor mentioned in the specifications, they shall be estimated by the Engineer, and paid for according to their value.

The payments are to be made in the following manner: On or about the twentieth day of October next, ensuing the date hereof, the Engineer shall make an estimate of the relative value of work done, having regard to the whole contract, and certify the same to the President of the Board of Internal Improvement, or such member of the Board of Internal Improvement as the President may designate, and upon the certificate being presented, eighty per cent. of the amount specified shall be paid to the party of the second part. And on or about the first day of December next, a like estimate shall be made and certificate granted, and the like sum of eighty per cent. paid thereon; and at the expiration of two months after the first of December next, and each succeeding two months, (provided the work is prosecuted satisfactorily, and not otherwise,) an estimate as above shall be made and eighty per cent. paid thereon.

It is understood that the twenty per cent. retained from each and all the estimates, shall be retained in the hands of the Board of Internal Improvement, or its authorized agent, as security for the faithful performance of the work until it shall be completed, and accepted by the Engineer, or other agent of the said Board; when it shall, together with any balance due for work done under this contract, be paid.

But it is expressly understood that if the party of the second part, shall

neglect or refuse to prosecute the work, and to finish and complete it according to the provisions of this contract and specifications, and in compliance with the directions of the Engineer who may have charge of the work for the time being, the said Engineer shall have power, with the consent of the Chief Engineer, to declare this contract forfeited and null and void; and upon such declaration, the same shall cease and determine forever, and as if it had never been made; and the said Engineer, or other agent of said Board, may re-let the work; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever as compensation for damages, which it is hereby agreed, by the parties, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of this agreement.

It is further understood that the decision of the Chief Engineer and the Resident Engineers shall be final and conclusive in all disputes, matters and things, relative to this contract; and each and every of said parties do hereby waive any right of action, suit or suits, or other remedy at law, or otherwise, by virtue of said covenants, so that the decision of said Engineers shall, in the nature of an award, be final and conclusive on the rights of the parties.

It is further understood and agreed that if in any case the party of the second part shall execute any portion of the work defectively, and shall refuse or neglect to correct the imperfection, that the Engineer shall have power to make any deduction or deductions, which he may think proper, from the stipulated price or prices for such work.

The party of the second part doth hereby promise to commence the work, embraced in this contract, immediately, and to execute as much of the work, as may be deemed practicable by the Engineer, during the present season, and the whole work shall be finished and delivered up, on or before the first day of December, 1839.

It is further understood that this contract shall not be binding upon the Commonwealth until it is approved by the President of the Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals the day and year herein before written.

(Signed Duplicates.) WM. B. FOSTER, Jr., *Res. Eng.* [SEAL.]
JO. WILSON, [SEAL.]

Witness: Willis Green.

*Note.*—The height to which the timber is required to be cut, agreeably to the above specifications, refers only to that portion of the stream which is not affected by mill dams.

On the pools of the mill dams, the timber will only be required to be cut to a height of five feet on the concave side, and to four feet on the convex side of the stream, and the same, viz: four feet in the straight portions of the stream above the surface of the pools at the dams, and will raise with a regular inclination, so as to arrive at the height set forth in the specifications, at the head of the mill pools.

WM. B. FOSTER, Jr. *Res. Eng.*
JO. WILSON.

Approved,
J. T. Morehead, P. B. I. I.

CONTRACT. *The Commonwealth of Kentucky with Harrison D. Taylor—Section No. 2 of Rough creek*

MEMORANDUM of an agreement entered into this 14th day of September, in the year of our Lord, one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by Wm. B. Foster, Jr., Resident Engineer and authorized agent of said Commonwealth of the first part, and Harrison D. Taylor of the second part, witnesseth: that for and in consideration of the payments hereinafter mentioned to be made, the said Harrison D. Taylor doth hereby promise and agree to do all the work specified for the improvement of the descending navigation of that portion of Rough creek, designated as Section No. 2, extending from "Nall's upper mill," to the town of Hartford.

*Specifications.*—All the fish dams, trees, logs, stumps, roots, brush, snags and timber in the channel, or bed of the stream, will be disposed of in the following manner, to-wit: The fish dams will be removed or reduced to a level with the low water mark, and the materials of which they are composed, placed wholly out of the way of the navigation. The trees, logs, snags and timber, will be cut into lengths not exceeding twenty feet; the stumps and roots will be cut down even and level with the low water surface, and the brush trimmed and cut so as not to exceed twenty feet in length. Where trees, or parts of trees, logs, &c., are lying on the banks, below the tops, they are to be cut into lengths not exceeding twenty feet; and all roots and stumps situated below the line or level of cutting the timber generally, are to be trimmed down so as to present no obstruction to the safe navigation or landing along the banks of the stream.

On the concave side of the stream in the bends, the trees, saplings and bushes, shall be cut quite even with the surface of the ground, from the low water plane, to a point ten feet perpendicularly above it; and upon the opposite or convex side, to a point eight feet above the low water plane. Where the direction of the stream is straight, or nearly so, eight feet from the plane of low water, (perpendicularly,) shall be the height to which the timber shall be cut on each side of the stream.

These trees, saplings and bushes, shall be thoroughly trimmed up, and the bodies and brush cut into lengths not exceeding twenty feet.

In cases where stooping trees occur, or trees or saplings partially undermined and in danger of falling into the stream, they shall be cut down close to the ground, be trimmed of the limbs and brush, and cut up in like manner with those below the points designated, notwithstanding they may be above the line or level for cutting the timber generally.

Where islands or bars occur, all the standing timber and brush shall be thoroughly grubbed, and together with the drifts or accumulations of timber of every description, shall be cut up into lengths not exceeding twenty feet. At points where cutting the timber to the level designated, would extend back upon low ground, to an unreasonable and unnecessary distance, the height to which it is to be cut, may be reduced at the discretion of the Engineer or agent having charge of the work. At "Bull's Bend," a cut-off will be made by excavating a ditch ten feet wide and of the same depth; the place for which will be designated by the Engineer.

In consideration of the work so to be done and executed, it is agreed and understood that there shall be paid by the Commonwealth to the said party of the second part, as follows, to-wit:

For doing all the work before described, excepting the cutting of trees above the line or level of eight and ten feet, at the rate of forty five dollars per mile in length of said creek, to be estimated agreeably to a survey of said stream, made by and under the authority of said Commonwealth, in the year 1836.

For cutting timber agreeably to the specifications above the line of eight and ten feet—for all trees not exceeding one foot in diameter, twenty five cents.

For all trees exceeding one foot and not exceeding two feet in diameter, eighty seven cents.

For all trees exceeding two feet and not exceeding three feet in diameter, one dollar and fifty cents.

For all trees over three feet in diameter, two dollars.

For excavating earth per cubic yard, twenty cents.

For excavating rock (if required) per cubic yard, seventy five cents.

It is understood that the prices affixed to the above items, are to include materials and labor of every description required to finish and complete the work. Where rock or other excavations are to be made, the material to be removed, is to be measured before it is taken out. No allowance will be made for bailing water, and no extra allowance will be made in any case for the performance of this contract, beyond the sum stipulated therein, except for additional or extra work. It is further understood that if any items of work necessarily occur, and which are not described or mentioned in the specifications, they shall be estimated by the engineer, and paid for according to their value.

The payments are to be made in the following manner:

On or about the twentieth day of October next, ensuing the date hereof, the Engineer shall make an estimate of the relative value of work done, having regard to the whole contract, and certify the same to the President of the Board of Internal Improvement, or such member of the Board of Internal Improvement as the said President may designate; and upon the certificate being presented, eighty per cent. of the amount specified, shall be paid to the party of the second part; and on or about the first day of December next, a like estimate shall be made and certificate granted, and the like sum of eighty per cent. paid thereon; and at the expiration of two months after the first day of December next, and of each succeeding two months, (provided the work is prosecuted satisfactorily and not otherwise,) an estimate as above shall be made, and eighty per cent. shall be paid thereon.

It is understood that the twenty per cent. retained from each and all of the estimates, shall be retained in the hands of the Board of Internal Improvement, or its authorized agents, as security for the faithful performance of the work, until it shall be completed and accepted by the Engineer, or other agent of the said Board, when it shall, together with any balance due for work done under this contract, be paid.

But it is expressly understood that, if the party of the second part shall neglect or refuse to prosecute the work, and to finish and complete it according to the provisions of this contract and specifications, and in compli-

ance with the instructions of the Engineer, who may have charge of the work for the time being, the said Engineer shall have power, with the consent of the Chief Engineer of Kentucky, to declare this contract forfeited, and null and void; and upon such declaration, the same shall cease and determine forever, and as if it had never been made; and the said Engineer, or other agent of the said Board, may re-let the work; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as a compensation for damages, which it is hereby agreed by the parties, that the Commonwealth shall be entitled to, in consequence of the failure of the party of the second part to perform the stipulations of this agreement.

It is further understood that the decision of the Chief Fngineer and the Resident Engineer, shall be final and conclusive in all disputes, matters and things relative to this contract, and each and every of said parties, do hereby waive any right of action, suit or suits, or other remedy at law or otherwise, by virture of said covenants, so that the decision of said Engineers shall, in the nature of an award, be final and conclusive on the rights of the parties.

It is further understood and agreed that if, in any case, the party of the second part shall execute any portion of the work defectively, and shall refuse or neglect to correct the imperfection, that the Engineer shall have power to make any deduction or deductions which he may think proper, from the stipulated price or prices for such work.

The party of the second part doth hereby promise to commence the work embraced in this contract immediately; and to execute as much of the work as may be deemed practicable by the Engineer, during the present season, and the whole work shall be finished and delivered up on or before the first day of December, 1839.

It is further understood that this contract shall not be binding upon the Commonwealth until it is approved by the President of the Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals, the day and year herein before written.

(Signed Duplicates.)

WILLIAM B. FOSTER, Jr. *Res. Eng.*, [SEAL.]
H. D. TAYLOR, [SEAL.]

Witness,
J. W. CROW.

*Note.*—The height to which the timber is required to be cut agreeably to the above specifications, refers only to that portion of the stream which is not affected by mill dams.

On the pools of the mill dams, the timber will only be required to be cut to a height of five feet on the concave side, and four feet on the convex side of the stream, and the same, viz: four feet in the straight portions of the stream, above the surface of the pools at the dams, and will raise with a regular inclination, so as to arrive at the height set forth in the specifications, at the head of the mill pools.

WM. B. FOSTER, Jr. *Res. Eng.*,
H. D. TAYLOR.

Approved,
J. T. MOREHEAD, P. B. I. I.

CONTRACT. *The Commonwealth of Kentucky, with John S. Eaves, Sanders Eaves and Wm. A. Eaves, on Sections 1 and 2, Pond river.*

MEMORANDUM of an agreement, entered into this eighth day of October, in the year of our Lord, one thousand eight hundred and thirty eight, by and between the Commonwealth of Kentucky, by William B. Foster, Jr., Resident Engineer and authorized agent of said Commonwealth of the first part, and John S. Eaves, Sanders Eaves and William A. Eaves, of the second part, witnesseth: That for and in consideration of the payments hereinafter mentioned to be made, the said John S. Eaves, Sanders Eaves and William A. Eaves, do hereby promise and agree to do all the work herein specified, for the improvement of the descending navigation on that portion of "Pond river" designated as Sections Nos. 1 and 2, and extending from a point where the Hopkinsville and Greenville road crosses the same, to the "Island Ford."

*Specifications.*—All the fish dams, trees, logs, stumps, roots, brush, snags and timber in the channel or bed of the stream, will be disposed of in the following manner, to-wit: The fish dams will be removed, or reduced to a level with the low water mark, and the materials of which they are composed, placed wholly out of the way of the navigation.

The trees, logs, snags and timber, will be cut into lengths not exceeding fifteen feet; the stumps and roots will be cut down even and level with the low water surface, and the brush trimmed and cut, so as not to exceed fifteen feet in length. Where trees, or parts of trees, snags, &c., are lying along the banks, below the tops, they are to be cut into lengths not exceeding fifteen feet; and all roots and stumps situated below the line or level of cutting timber, generally, are to be trimmed down, so as to present no obstruction to the safe navigation and landing along the banks of the stream. On the concave side of the stream, in the bends, the trees, saplings and bushes, shall be cut off quite even with the surface of the ground, from the low water plane to a point ten feet perpendicularly above it; and upon the opposite or convex side, to a point eight feet above the low water plane.—Where the direction of the stream is straight, or nearly so, eight feet from the plane of low water (perpendicularly,) shall be the height to which the timber shall be cut, on each side of the stream. These trees, saplings and bushes shall be thoroughly trimmed up, and the bodies and brush cut into lengths not exceeding fifteen feet.

In cases where stooping trees occur, or trees or saplings partially undermined, and in danger of falling into the stream, they shall be cut down close to the ground, be trimmed of the limbs and brush, and cut up in like manner with those below the points designated, notwithstanding they may be above the line or level for cutting timber generally. Where islands or bars occur, all the standing timber and brush shall be thoroughly grubbed, and, together with the drifts or accumulations of timber of every description, shall be cut into lengths not exceeding fifteen feet. At points where cutting the timber to the level designated, would extend back upon low grounds to an unreasonable and unnecessary distance, the height to which it is to be cut, may be reduced at the discretion of the Engineer or agent having charge of the work.

That portion of an old mill dam, known as "Morgan's," yet standing,

shall be taken down, and the materials of which it is composed, shall be placed along the right shore (descending,) so as to be out of the way of the navigation.

In consideration of the work so to be done and executed, it is agreed and understood, that there shall be paid by the Commonwealth, to the said parties of the second part, as follows, to wit:

For doing all the work herein before described, except removing Morgan's old dam, and cutting timber above the lines of eight and ten feet, at the rate of forty dollars per mile in length, of said river; to be estimated agreeably to a survey of said stream, made by and under the authority of the said Commonwealth, in the year 1836.

For cutting timber, agreeably to specifications, above the lines of eight and ten feet: for all trees not exceeding one foot in diameter, ten cents.

For all trees over one foot, and not exceeding two feet in diameter, twenty five cents.

For all trees over two feet, and not exceeding three feet in diameter, fifty cents.

For all trees exceeding three feet in diameter, eighty cents.

For removing Morgan's old mill dam, eighty dollars.

It is understood and agreed that the prices affixed to the above items are intended to include materials and labor of every description, required to finish and complete the work. Where rock or other excavations are to be made, the material to be removed, is to be measured before it is taken out, and a price estimated for the same, by the Engineer or agent having charge of the work.

No allowance will be made for bailing water, and no extra allowance will be made in any case, for the performance of this contract, beyond the sum stipulated therein, except for additional or extra work. It is further understood, that if any items of work necessarily occur, and which are not described or mentioned in the specifications, they shall be estimated by the Engineer, and paid for accordingly.

The payments are to be made in the following manner:

On or about the first day of December next ensuing the date of this contract, the Engineer shall make an estimate of the relative value of work done, having regard to the whole contract; and certify the same to the President of the Board of Internal Improvement, or such member of the Board of Internal Improvement, as the said President may designate; and upon the certificate being presented, eighty per cent. of the amount specified shall be paid to the parties of the second part; and at the expiration of two months after the first day of December next, and of each succeeding two months, (provided the work is prosecuted satisfactorily, and not otherwise,) an estimate as above shall be made, and eighty per cent. shall be paid thereon.

It is understood, that the twenty per cent. retained from each and every estimate, shall be retained in the hands of the Board of Internal Improvement, or its authorized agent, as security for the faithful performance of the work, until it shall be completed and accepted by the Engineer or other agent of said board; when it shall, together with any balance due for work done under this contract, be paid. But it is expressly understood, that if the parties of the second part shall refuse or neglect to prosecute the work, and to finish and complete it, according to the provisions of this contract and specifications, and in compliance with the instructions of the Engineer who

may have charge of the work for the time being, the said Engineer shall have power, with the consent of the Chief Engineer, to declare this contract forfeited, and null and void; and upon such declaration, the same shall cease and determine forever, and as if it had never been made; and the said Engineer, or other agent of said board, may re-let the work; and in case of such declaration of forfeiture, the said Commonwealth are to retain the retained per centage forever, as compensation for damages; which it is hereby agreed by the parties that the Commonwealth shall be entitled to, in consequence of the failure of the perties of the second part, to perform the stipulations of this contract.

It is further understood that the decision of the Chief Engineer and Resident Engineer shall be final and conclusive, in all disputes, matters and things, relative to this contract; and each and every of said parties do hereby waive any right of action, suit or suits, or other remedy at law or otherwise, by virtue of said covenants; so that the decision of the said Engineers shall, in the nature of an award, be final and conclusive on the rights of the parties.

It is further understood and agreed, that if in any case, the parties of the second part shall execute any portion of the work defectively, and shall neglect or refuse to correct the imperfection, that the Engineer shall have power to make any deduction, or deductions, which he may think proper, from the stipulated price or prices for such work.

The parties of the second part do hereby promise to commence the work as soon as thereto directed by the Engineer, and to execute as much of the work as may be deemed practicable by the Engineer, during the present season; and that the whole work shall be finished and delivered up, on or before the first day of December, 1839.

It is further understood, that this contract shall not be binding upon the Commonwealth, until it shall be approved by the President of the Board of Internal Improvement.

In witness whereof, the parties have hereunto set their hands and seals, the day and year herein before mentioned.

(Signed Duplicates.) WM. B. FOSTER, Jr., *Res. Eng.* [SEAL.]
JOHN S. EAVES, by SANDERS EAVES. [SEAL.]
SANDERS EAVES, [SEAL.]
W. A. EAVES, [SEAL.]

Approved,
J. T. MOREHEAD, P. B. I. I.

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*Appointment of, and instructions to,* JOHN W. POWELL, *Superintendent of Muddy river.*

RUMSEY, KY., *August* 28, 1838.

Maj. JOHN W. POWELL:

SIR—You are appointed Superintendent of the work to be done for the improvement of the descending navigation upon Muddy river. You will procure the necessary tools, implements, &c., and proceed to the execution of the work—commencing at the mouth of Muddy river, and progress up-

wards, to the mouth of Wolf Lick. That portion of the stream which will be affected by the slackwater formed by Dam No. 3, across Green river, should be first attended to, and the obstructions removed before the water shall have raised, so as to submerge any obstacle that would interfere with the safe descending navigation. You will employ as many hands as may be necessary to an economical execution of the work, and proceed with due diligence, so as to accomplish the whole work during the present season, if practicable.

The obstructions to be removed, consist principally of fish dams, rocks and snags in the channel, and of leaning trees along the banks. The stooping trees along the banks should be cut close to the ground, and trimmed up and cut into lengths not exceeding fifteen feet.

The snags in the channel should be cut off even and level with the surface of low water; and where drifts or accumulations of timber occur, they should be cut loose, and into lengths of about fifteen feet, in order that they may pass out during high stages of water.

Rocks which are in situations to obstruct the navigation, should be removed.

Should any other obstructions come under your observation, and which are not mentioned, you will exercise your best judgment and discretion in regard to them.

Your compensation will be at the rate of two dollars per day, and necessary expenses, while engaged in the performence of the duties herein enjoined.

You will keep an accurate account of all monies received and expended by you, with proper vouchers to accompany your account when rendered.

On the 30th November next, you will make out an account current; and at the end of every month thereafter, while engaged in the performance of this duty, an account will be made out, exhibiting your receipts and expenditures on account of the work, which will be submitted to the Engineer or agent of the Board of Internal Improvement, who may, for the time being, have the supervision of the work; and if approved by him, you will be credited accordingly.

You will conform to such further directions in regard to the work, and keeping and rendering your accounts, as may hereafter be given; and suspend and close your operations, whenever thereto directed by the Engineer or agent of the Board of Internal Improvement.

You will, after entering into bond to the Commonwealth, with approved security, receive from James R. Skiles, Esq., at Bowlinggreen, from time to time, such sums of money as may be necessary to enable you to prosecute the work.

This appointment will be submitted to the President of the Board of Internal Improvement, for his approval or otherwise.

Respectfully, yours, &c.

WM. B. FOSTER, Jr.,
*Resident Engineer.*

Approved,
J. T. MOREHEAD, P. B. I. I.

## Report *on the Kentucky River Navigation.*

Frankfort, Ky.,
*December* 1, 1838.

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky:*

Sir:

The following statemeut in relation to the progress and condition of the Kentucky River Navigation, is respectfully submitted.

During the early part of the season, a series of freshets in the Ohio and Kentucky rivers, prevented the contractors from commencing or resuming the masonry of the locks, at as early a period as was desirable. After several well directed, but fruitless endeavors, on the part of the contractors, to effect this object, the masonry was not generally resumed until the latter part of July: and at lock No. 1, (owing to the peculiar situation of that lock in the backwater of the Ohio river,) not until the 20th August. Since that period, the season has been peculiarly favorable—both rivers have been at their extreme lowest stage, and the whole of the works have progressed uninterruptedly to the present time.

The following are a few of the more important particulars, in relation to the several locks and dams under contract and in progress:

*Lack No.* 1—near the mouth. The foundation of the walls below the breastwork, is nearly all laid. The land wall is built up to a height of about 11 feet, and it is hoped that this and the river walls, will attain such a height before the close of the season, as will enable the contractors to make an early commencement in the spring. The coffer dam sustained no injury from the spring freshets, and still remains perfect.

*Lock No.* 2—Six Mile Ripple. The whole of the foundations have been laid, and the walls built up to a height of about 10 feet, which places the work measurably beyond the reach of ordinary rises of the river—the dam abutment pit has been partially excavated.

*Lock No.* 3—Cedar Ripple. Condition of the work similar to that of No. 2.

*Lock. No.* 4—near Frankfort. This lock is further advanced toward completion than either of the others. The walls are built up to a height of about 21 feet. The abutment pit is partially excavated.

*Lock No.* 5—above Frankfort. The walls are carried up from 13 to 15 feet in height, and are above the reach of ordinary freshets. Abutment pit excavated in part.

*Dams.*—No progress has been made (toward their completion) beyond the delivery of materials, and the partial excavations for the abutments.

*The following table exhibits the amounts and aggregate value of work done, and materials procured or delivered, at each of the sites, up to the dates of the last estimates made, on or about the 1st of December.*

| ITEMS. | LOCKS AND DAMS. | | |
|---|---|---|---|
| | No. 1. | No. 2. | No. 3. |
| Masonry, perches, | 1,820 | 1,930 | 2,383 |
| Cut stone, perches, | 690 | 658 | 986 |
| Rough stone, perches, | 1,289 | 1,473 | 946 |
| Dam, filling, yards, | 608 | 5,000 | 2,400 |
| Sqared timber, feet, | 2,380 | 22,261 | 29,677 |
| Round timber, feet, | 11,000 | 4,720 | 900 |
| Six and eight inch plank, feet, | 22,400 | 15,000 | 25,000 |
| Two and three inch plank, board measure, feet, | 48,600 | 76,500 | |
| Excavation, earth, yards, | 23,500 | 9,000 | 16,293 |
| Excavation, rock, yards, | 3,100 | 4,755 | 5,525 |
| Incidental, dollars, | 2,200 | 250 | 375 |
| Estimated value, dollars, | 39,238 | 33,709 | 37,497 |

*Table—Continued.*

| ITEMS. | LOCKS AND DAMS. | | AGGREGATE. |
|---|---|---|---|
| | No. 4. | No. 5. | |
| Masonry, perches, | 5,882 | 3,518 | 15,533 |
| Cut stone, perches, | 469 | 1,002 | 3,805 |
| Rough stone, perches, | 927 | 1,692 | 6,327 |
| Dam, filling, yards, | – | 2,400 | 10,408 |
| Squared timber, feet, | 8,950 | 8,800 | 72,068 |
| Round timber, feet, | 17,600 | 14,860 | 49,080 |
| Six and eight inch plank, feet, | 10,500 | 4,000 | 76,090 |
| Two and three inch plank, board measure, feet, | 31,300 | 46,000 | 202,400 |
| Excavation, earth, yards, | 26,193 | 16,468 | 91,454 |
| Excavation, rock, yards, | 800 | 3,416 | 17,596 |
| Incidental, dollars, | 430 | 175 | 3,430 |
| Estimated value, dollars, | 51,400 | 41,753 | 203,597 |

Although the progress of the works toward completion, for the current year, has been very fair, all things considered—it has yet, not realized the expectations entertained in the early part of the season. As the circumstances connected with this subject are already familiar to you, a repetition of them is deemed superflous.

With extraordinary exertions, the *completion* of locks and dams Nos. 2, 3, and 4, could possibly be effected next year; and of Nos. 1, and 5, the year following: but whether this will be effected or not, is a question depending almost exclusively upon the favorableness of the season, and upon the amount of labor called into requisition for its accomplishment.

For particulars relative to the incipient stages of the improvement—description of sites—quarries, &c. &c., I would beg leave to refer you to my last year's report.

Very respectfully,
M. R. STEALEY, *Res. Eng. Ky. Riv. Nav.*

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## Report *on the Licking River Navigation.*

Office of the Resident Engineer,
of the Licking River Navigation,
*Covington, November 30th,* 1838.

Sir:

I have the honor to submit the following report upon the operations on the Licking river navigation, during the present year.

On the 24th of October, 1837, five locks and dams were placed under contract on the Licking river, which were calculated to make a navigation of 51¼ miles in length, and overcome a descent in the river of 80 feet: and the contractors were required to commence procuring and delivering the necessary materials for the construction of the works by the 1st day of January, of the present year.

It was understood at the time of entering into the contracts, that the stone, for building locks Nos. 1 and 2, was to be procured from some of the good sand stone quarries on the Ohio river; and early in the season we were informed by the contractors for those locks, that they had procured a suitable quarry, situated 1¼ miles from the Ohio river, and about 116 miles above the mouth of the Licking river, and that a competent force was employed in stripping the quarry and constructing a railroad from it to the river. The quarry has since been examined at three several times, and it is believed to be a good one, and capable of yielding more stone than will be necessary for the construction of two locks. The railroad has also been examined; it is constructed entirely of wood, and is deemed sufficient for the delivery of all the stone produced from the quarry.

The contractors for Nos. 1 and 2, have also procured a steamboat for towing, and six large boats for transporting the stone. They made an effort, early in the summer, to commence the delivery of their stone, but the two

boats, with which they made the trial, owing to the early commencement of the dry summer we have experienced, and the low water in consequence, were grounded on a sand bar, 18 miles below the quarry, where they have laid all the summer—the water never having risen sufficiently to float them until within the present month. They have now commenced delivering stone, and landed the first boat load at No. 1, on the 24th inst. The quarry s sufficiently stripped to yield about 5,000 perches of stone, about 1,000 of which have been got out. By the permission of the Board of Internal Improvement, two estimates of stone have been made at the quarry, amounting to about $2,500.

At lock No. 3, the contractors commenced at an early date to examine the hills, adjoining the lock site, for a quarry that would yield such stone as was required by the specification. They first opened one back of the lock site, at the distance of about 400 yards, which only yielded inferior lime stone, in strata from 4 to 7 inches in thickness; and at a later period, they opened one in the bank of the river, a short distance above the lock site, which they have continued to work until the present time, although it has proved incapable of furnishing any of the face stones for the lock walls. They have been for a long time convinced that, without opening new and better quarries, it would be impossible for them to comply with their contract, and this fact has been urged upon them so strongly and repeatedly, without their having made any other than mere coup d'œil examinations for better stone in the vicinity, nor any arrangements to procure suitable stone from any other vicinity, that I have felt it my duty to suggest to you, as I have more than once done, the necessity of exercising the power given us by the contract, of declaring it null and void, for inability or negligence in prosecuting the work in a proper manner.

The contractors have continued to work at the quarry in the river bank during the summer and autumn, with an average force of about 15 men, and on the 1st day of the present month, had only obtained 300 perches of stone, which are of inferior quality. The quarry is, however, so near the lock site, that the stripping will furnish the stone filling for the dam, which has been estimated to the amount of 3,000 perches.

The contractors having been especially notified that it was indispensable that some arrangements should be immediately made for procuring the face stones and coping for the lock walls, on the —— day of October, they informed me that they had engaged with the owner of a quarry at Rockville, on the Ohio river, to furnish them with as much sound stone, in blocks conformable in size to those required by the specifications, as would be necessary for the face work and coping of the lock; and, also, that they had contracted for the building of two boats suitable for the transportation of stone.

The contractor for locks and dams Nos. 4 and 5, at an early date, commenced opening a quarry near the site of No. 5, which presented very flattering indications of the quality of the stone it would probably yield, but the appearances proved, after a fair examination, deceptive. He made another excavation in the same vicinity, which also produced stone of an inferior quality. He made a third effort to find a suitable quarry, by making an excavation in the side of the hill next the river bank, at a point 2 miles below the site of No. 5, and 7¾ miles above No. 4. The stripping of this last quarry proved to be so expensive, and the indications of its yielding a large supply of good stone were so discouraging, that the contractor, on

the first of June, addressed the Chief Engineer and myself a letter, in which he requested to be absolved from his contract for constructing lock and dam No. 4, alleging as his reason for abandoning it, the inferiority of the stone quarries in the vicinity, and his own inability to execute the work. The quarry which he last opened, has yielded some stones of the proper size and quality for the lock walls, and is capable of yielding many more, though the expense of obtaining them will be very great.

About the 1st of June, the difficulty of procuring stones of the dimensions required by the specification, from the lime-stone quarries in the vicinity of locks Nos. 3, 4 and 5, became so manifest, that the Chief Engineer was induced to consent that the backing stones of the lock walls might be reduced in thickness, so that two courses of backing should equal in thickness one course of face stones, and that the courses of the abutments might be reduced to six inches in thickness. I am of the opinion that this alteration has removed all the difficulties of procuring the necessary materials for the construction of the lock walls from the vicinity, except the face stones and copings, which will require about one third of the stones for each lock to be obtained from some other places.

On the 15th of June, lock and dam No. 4, was re-let to Palmer and Guiou, the contractors for Nos. 1 and 2—and very soon after that date, they commenced opening several quarries in the vicinity, and at a later period, excavating the lock-pit.

On the 31st of August, J. B. Miles, the contractor for No. 5 died, and the operations on his work, ceased immediately. He had procured some materials, but his lock-pit had never been marked out for excavation.

The following table exhibits the quanity of work done and materials delivered at each one of the lock sites, up to the date of the last estimate, which was November the 1st.

TABLE.

| DENOMINATION. | LOCKS AND DAMS. | | |
|---|---|---|---|
| | No. 1. | No. 2. | No. 3. |
| Cut stone, for lock walls, perches, - | 312 | | |
| Rough stone, for lock walls, perches, | 438 | 13 | |
| Rough stone, for abutments, perches, | – | 80 | 300 |
| Stone filling, for dam, yards, - - | – | 500 | 3,050 |
| Lock irons, pounds, - - - | 7,720 | 7,720 | 7,500 |
| Dam irons, pounds, - - - | 10,338 | 10,338 | 11,100 |
| Hewed timbers, feet, lineal, - - | – | – | 1,114 |
| Round timbers, feet, lineal, - - | – | – | 5,000 |
| Earth excavation, yards, - - - | 8,000 | 7,700 | 5,000 |
| Rock excavation, yards, - - - | 350 | 300 | |
| Cutting and clearing, dollars, - - | 27 | 70 | 100 |
| Estimated values, dollars, - - | 6,150 54 | 3,862 54 | 4,282 68 |

TABLE—Continued.

| DENOMINATION. | LOCKS AND DAMS. | | AGGREGATE. |
|---|---|---|---|
| | No. 4. | No. 5. | |
| Cut stone, for lock walls, perches, - | – | – | 312 |
| Rough stone, for lock walls, perches, | – | – | 451 |
| Rough stone, for abutments, perches, | 130 | 263 | 773 |
| Stone filling, for dam, yards, - - | 500 | – | 4,050 |
| Lock irons, pounds, - - - | 7,720 | 4,764 | 35,424 |
| Dam irons, pounds, - - - | 10,338 | – | 42,114 |
| Hewed timber, feet, lineal, - - | – | | |
| Round timber, feet, lineal, - - | – | 3,000 | 8,000 |
| Earth excavation, yards, - - - | 1,500 | – | 22,200 |
| Rock excavation, yards, - - - | – | – | 650 |
| Cutting and clearing, dollars, - - | 75 | 50 | 322 |
| Estimated value, - - - - | 2,424 04 | 1,273 60 | 18,013 40 |

Four of the lock-pits and three of the abutment-pits have been excavated as low as the solid rock this season, and there is no reason to doubt but they will afford good foundations for the walls.

By your directions, I have caused the channel to be excavated across the ledge of rocks at the mouth of the Licking river into the Ohio, to the depth of 20 inches at the lowest stage of water ever known in the Ohio river. This channel is now 1250 feet in length and 100 feet wide, and its direction is in the line of the resultant of the two forces formed by the currents of the two rivers. Its execution required the removal of abont 3,000 cubic yards of stone and slate, about 800 of which were blasted under water. It is believed that it will not fill up, and its depth, in ordinary seasons, will never become less than three feet. The total expenditure of this improvement amounted to $5,383 47.

Hydraulic lime has been discovered to exist in great quantities in thin layers, alternating with slate and granular lime-stone at the mouth of the Licking river; in the excavations for the lock-pits of Nos. 1 and 2, and in the banks of Three Mile and Bank Lick creeks. From the first mentioned locality, it has been transported to an establishment for manufacturing it, on the Miami canal, eight miles from Cincinnati, and has been extensively used in that city for the construction of cisterns and other purposes, and pronounced by those who have used it, as good as any ever before in the market.

The progress of the works on Licking river, have been singularly retarded during the past season, by various obstacles—some of them, insurmountable. The Ohio river became innavigable unusually early, and this not only prevented the delivery of the stone which was quarried on its banks, at the

two lower locks, but cramped the ability of the contractors in quarrying more. The serious difficulties encountered in discovering stone quarries on the upper part of the river, were wholly unexpected. The abandonment of one of the contracts, and the death of a contractor, are among the causes of retardation, proper to be mentioned.

During the next year, it will be practicable to build the locks and abutments at the two lower sites, and to lay about 2,000 perches of masonry at each of the upper ones, provided No. 5 is re-let in a short time, which is now nearly certain. This much being done, would insure the completion, during the following year, of the whole work at Nos. 1 and 2, and all the masonry work at the other locks. The final completion of the whole work now under contract, may be expected by the autumn of 1841.

I have the honor to be, sir,

Very respectfully, &c.,

N. B. BUFORD, *Res. Eng. L. R. N.*

SYLVESTER WELCH, ESQ.,
*Chief Engineer of Kentucky.*

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## REPORT *on Louisville Turnpike Road in Jefferson county.*

LOUISVILLE,
*July 19th*, 1838.

SIR:

Under your letter of instructions of the 6th inst. the survey, location, estimates, plans and specifications of that part of the *Louisville* and *Elizabethtown* Turnpike Road, not before put under contract, in Jefferson county, has been completed. Schedule (G) exhibits the cost of the work in detail.

The location and completion of the first five miles of this road was carried too far South to give the best ground for the present located portion—there being near the termination a flat and swampy piece of land, which has to be crossed before the sand ridge could be reached—that done, the sand ridge was pursued until it terminates in the Big run creek, a distance of about three miles. This portion of the road will be easily drained—the ridge being from three to eight feet above the flat lands.

Big run will require a bridge of twenty feet *span*; the bed and banks of this stream are alluvial—the bridge abutments will be built on a timber foundation, sunk two feet below the surface of the water; the abutments will be 11 feet high, and must be built of sand stone. After passing this creek a low flat piece of land commences, and extends about 700 feet; this will be well raised by taking earth from the side ditches, when you reach another sand

ridge that extends to the farm of Mr. Magruder, a distance of one mile. At this point the *knob* lands approach near the low lands, and from the constant flow of water from their basis, the road bed will be difficult to drain; in consequence of which two large ditches have been estimated to carry off the water. The form and dimensions of which are shown in the accompanying fig. 2* of the *cross section* of the road-bed. After passing the basis of these knobs, the lands, though low and level, will be easily kept drained by similar drains to those before referred to, (in fig. 2.) For the sections No. 11 and 12, which passes Kemp's old tavern, or Scott Jones' at present, a higher and dryer location could have been made, by laying farther east; but on an examination, I found some deep ravines to cross, and the line would sever and cut up some very valuable farms. From Jones', the line was kept near to the edge of *Clear pond*, for the first half mile of section No. 13, when this pond is crossed. In this portion of this section, the road will be easily drained. At this point the Clear and Long ponds are within 400 feet of each other. The best line would have been to keep the road near the east side of the Long pond to near its outlet into *Pond Creek;* but on examination I found that the work extending $4\frac{5}{8}$ miles up the Ohio river, from Salt river, and under contract, all grubbed and cleared; and unless it was abandoned, would force me to cross Long pond—this course was adopted. It requires a heavy embankment, and a twenty feet bridge. This pond, in the summer season, is dry, and in floods has from one to three feet of water in it. The bottom is a soft black mud, based on a hard and tough clay. The bridge abutments will be seven feet high, based on a timber foundation.

After crossing the Long pond, a dry and high sand ridge is followed for the residue of the distance, to the end of Reed's contract.

By reference to the *schedule*, this distance will be found to be nine miles and twenty nine and one half poles. The cost of this same length of road is $20,379 67, or $6 97 cents per pole, including bridges, and all items of work required to complete the same.

This road is to be graded 50 feet wide, and all timber cleared which stands within 30 feet of the centre line. The road bed will, in all cases, be a *semi-ellipse*, having a transverse diameter of 50 feet, and semi-conjugate diameter of 1 foot.

The lands over which the line passes are sufficiently undulating to carry off the water; and in all cases the side ditches will communicate with a natural drain or culvert. The culverts are not to be less than two feet in their spans—and several of three feet spans have been adopted.

The grubbing is of the heaviest class. The masonry is placed at rates higher than usual, owing to the great scarcity of stone. For detail prices, &c. I refer you to schedule G.

This road is to be put under contract the first of August.

A line has been run over the four and five eighths miles, next to Salt river, and sold to Joseph Reed. I understand that this four and five eighths miles are contracted to be completed and McAdamized for $28,000. The residue of the distance, to the mouth of Salt river, is 2707 feet, at the edge of the water in Salt river. The water surface of the river was found to

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*This plate is omitted, because it cannot be well represented in ordinary letter press printing.—[Pub. Printer.

measure 240 feet, and the distance from the river to Coleman Lewis' tavern, 429 feet—thence to the end of the turnpike, south of Salt river, 2487 feet, making the distance 5124 feet, exclusive of the distance across the river not under contract.

I found the flood of 1832 raised fifty nine feet and four tenths higher than the surface of the water in the river at the *stage* it was in when the survey was made, which was stated to be about ten feet above the low water mark, making the total rise above low water 69.4 feet. At this point, when the lowest stage of water occurs, the water in the river measures from 14 to 15 feet in depth—my soundings, taken at the time of making the survey, made the water 24½ feet deep. The bottom is soft and muddy for three feet, when it seems to be sandy and less yielding.

A map of the road with a profile of the river section will be made and filed in proper time.

Which is submitted with respect.

H. J. EASTIN, *Res. Eng.*

SCHEDULE G,

*Showing the estimated cost of that portion of the Louisville Tunnpike Road, between the termination of the turnpike and the end of Reed's contract.*

| SECTIONS. | Length of section. | Grubbing. | Price. | Culvert masonry. | Price. |
|---|---|---|---|---|---|
| No. | Poles. | Poles. | Dolls. Cts. | Perches. | Dolls. Cts. |
| Six, - - | 321.2 | 123.4 | 2 50 | 80 | 2 50 |
| Seven, - | – | – | 2 50 | 180 | 2 50 |
| Eight, - - | – | 65.1 | 2 50 | 130 | 2 50 |
| Nine, - - | – | 89.1 | 2 50 | 150 | 2 50 |
| Ten, - - | – | 54. | 2 50 | 60 | 2 50 |
| Eleven, - | – | 150.69 | 2 50 | 60 | 2 50 |
| Twelve, - | – | 43.4 | 2 50 | 90 | 2 50 |
| Thirteen, - | – | 125.3 | 2 50 | 40 | 2 50 |
| Fourteen, - | – | 279.5 | 2 50 | 60 | 2 50 |
| Total cost, - | | | | | |

SCHEDULE G—Continued.

| SECTIONS. | Excavation. | Price. | Surplus excavation. | Price. | Embankments. |
|---|---|---|---|---|---|
| No. | Cubic yds. | Cents. | Cubic yds. | Cents. | Cubic yds. |
| Six, - - | 3,063 | 10 | 2,012 | 15 | 3,063 |
| Seven, - - | 3,680 | 10 | 1,342 | 15 | 3,680 |
| Eight, - - | 8,176 | 10 | 686 | 15 | 8,176 |
| Nine, - - | 4,939 | 10 | 2,704 | 15 | 4,939 |
| Ten, - - | 5,919 | 10 | 1,938 | 15 | 5,919 |
| Eleven, - - | 8,605 | 12 | – | 15 | 11,906 |
| Twelve, - | 8,861 | 12 | – | 15 | 9,429 |
| Thirteen, - | 4,266 | 10 | 953 | 12 | 4,266 |
| Fourteen, - | 572 | 10 | 1,639 | 12 | 572 |
| Total cost, - | | | | | |

SCHEDULE G—Continued.

| SECTIONS. | Price. | Bridges' span. | Price lineal. | Masonry in abutments. | Price per perch. |
|---|---|---|---|---|---|
| No. | Cents. | Feet. | Foot. | Perches. | Dollars. |
| Six, - - | 13 | | | | |
| Seven, - - | 13 | | | | |
| Eight, - - | 13 | 20 | – | 212 | 3 00 |
| Nine, - - | 13 | | | | |
| Ten, - - | 13 | 20 | – | 112 | 3 00 |
| Eleven, - - | 15 | | | | |
| Twelve, - - | 15 | | | | |
| Thirteen, - | 13 | 20 | – | 164 | 3 00 |
| Fourteen, - | 13 | | | | |
| Total cost, - | | | | | |

SCHEDULE G—Continued.

| SECTIONS. | Cost of each section. | Cost of each section without bridge. | Cost of each section per pole without bridge. |
|---|---|---|---|
| No. | Dolls. Cts. | Dolls. Cts. | Dolls. |
| Six, | 1,549 79 | – | 4.815 |
| Seven, | 1,497 70 | – | 4.733 |
| Eight, | 3,207 13 | 2,471 13 | 7.760 |
| Nine, | 2,140 07 | – | 6.210 |
| Ten, | 2,373 07 | 1,937 07 | 5.800 |
| Eleven, | 3,345 22 | – | 10.48 |
| Twelve, | 2,811 17 | – | 8.15 |
| Thirteen, | 2,129 38 | 1,537 38 | 4.65 |
| Fourteen, | 1,226 16 | – | 4.37 |
| Total cost, | 20,379 67 | | |
| Contingencies, | 1,018 98 | | |
| Total cost, | 21,388 65 | | |

Length of line surveyed—9 miles, 29.5 poles. Average cost per pole—$6 97. Average cost per pole, without bridges—$6 36.

## Report *on the Louisville Turnpike—Elizabethtown to Salt River.*

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Engineer's Office, 28*th June*, 1838.

I have attended a sale of fourteen sections of the Louisville Turnpike road between Louisville and Elizabethtown, on the 21st inst.; the bids were numerous, yet high; the contracts were taken by James F. McCague, Nathaniel Pyke, B. B. Edmonson, and John S. Culley; the contract is filed as closed by the directors and the above named contractors, for your inspection. The price for grading, grubbing, clearing and masonry, is at $5 25 per lineal pole, the grade to be forty feet wide. For stoning the roadway, eleven dollars, nine cents and one half per pole—the metal to be 18 feet wide, and 1 foot in depth. This road will cost for grading, $1,680 per mile, and the stoning $3,550 40 per mile. Total cost per mile, $5,230 40. This contract is to be closed on the 10th July, 1840.

A few points on this line would make a tolerable road without stoning, say two sections. I consider it important to stone the whole road, as it will be much more traveled than any portion of the road south of the mouth of Salt river; and, I fear, unless it is stoned, will be too soft and yielding to answer a good purpose as a road.

The whole travel of the country south west of Elizabethtown concentrates at Elizabethtown, and passes this road to Louisville; and the greater portion of the produce carried in wagons, and shipped from the mouth of Salt river; and all the goods vended in the Green river country at present, are hauled and transported over it. I consider the sales at fair rates, and the contract was closed under my direction.

Which is respectfully submitted.

HENRY J. EASTIN,
*Resident Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

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Elizabethtown, 31*st May*, 1838.

Sirs:

Under your direction, a survey has been made of that portion of this road, lying between the top of Muldrow's Hill and the five miles formerly sold, next Elizabethtown; the distance, as located, is thirteen and ninety six hundredths miles.

The surface of the country being undulating, and some of the dividing ridges high, and affording but few suitable points for passing them, those points requiring the lightest grades were selected. I have also selected the best ground, without regard to direct lines; and the road, as located, passes around the hills, and not over them.

A grade of two degrees was adopted, and in no case does the elevation exceed one foot in twenty eight and sixty five hundredths feet. The align-

ment is circuitous, though no curve is so short as to render the traveling dangerous.

The country is much broken, having, for the first three miles from the southern end of the road, deep ravines passing through it; the lands are all second rate quality, and but sparsely populated. There will be no bridges required, and no culvert of a span larger than two feet; there will be required, from three to eight culverts per mile of road.

The soil is a mixture of sand and clay loam; in wet weather cuts deep, but soon dries on exposure to the wind and sun.

The stone is generally blue and compact limestone; the hill sides and ridges are strongly intermixed with silex and *Burrh* stone, in small lumps. The limestone, I find on examination, will be sufficiently convenient for the purpose of making a good road cover, varying in distance from the edge of the road bed to one and a half miles; the greatest scarcity exists on the three miles next Elizabethtown.

The excavations and embankments are light, having preferred to increase the length of the road, to making deep cuts or fills.

There frequently occurs table lands, on and near the tops of the ridges; care will be required, in making the road, to drain it; not unfrequently, a ditch on each side of the road bed; but also two field drains, one on each side, to carry off the water. There are more or less of these wet lands on each section.

The grubbing and clearing are medium; the timber, post, white, black, red oak, and hickory, and a thick undergrowth of hickory and oak brush.—I have estimated the grubbing and clearing at one dollar and twenty five cents per lineal pole.

The *dimensions* of the road are as follows: Cleared, sixty feet; grubbed, forty feet; and the graded road bed to be forty feet wide throughout the line, with a drain on each side, sunk not less than fifteen inches below the horizontal surface of the road bed, one foot wide at bottom, 3.87 feet wide at top, and are estimated to require, each, 594½ cubic yards to make them, per mile; they are to be used in all cases where the embankments do not raise the road bed fifteen inches above the natural surface of the ground, and field ditches are to be made on the sides of the road, at least five feet from the edge of the graded surface, at points sufficiently often to require the deficit, or to use the drains not made where there are embankments above fifteen inches in height.

The stone roadway is to be made 18 feet wide, and composed of a pavement sunk in the road bed three inches below the horizontal surface, eight inches deep, set up as specified in the direction for making turnpike roads, as prepared by the Chief Engineer of Kentucky. Upon this pavement, a strata of five ounce broken stone is to be laid, so as to form a cover equal to four inches in depth, over the whole surface of the pavement. This will make the artificial road bed one foot thick or deep.

A printed direction, for the construction of turnpike roads, a specification, form of contract, a plan of the road bed, culverts, and also a copy of the field notes, embracing all the ascents, descents, depth of cutting and filling, are filed with this report, with the president and managers. They have been instructed and required to construct this road after one of the specifications—either pavement and broken stone, or all broken stone, making no alteration or abatements. A map of the road, with a profile of the ground,

will be made so soon as the duties of the Engineer service will permit; a copy will be sent to the president and managers, and the original, with the original field notes, filed in the Engineer's office of the State of Kentucky.

Schedule E. exhibits, in detail, in tabular form, all the work required to complete this road. By an inspection, the total cost of the fourteen miles will be seen to be $69,306 46. The cost of grubbing and clearing, grading, masonry in the culverts, drains, ditches, and all the work, except the stone cover of the roadway, is $22,015 45; or $1,572 53 per mile; the stone roadway will cost $47,291 01, for 14 miles; or from $10 37½ to $11 per pole. To the total cost, I have added ten per cent. for contingencies, &c., making the *grand total cost*, $76,237 10; or nearly $5,445 50 per mile.

Of the utility of this road, none doubts, who have the prosperity of the country through which it passes, properly in view. It is the great highway from the city of Louisville and the north western States; and during the seasons of the year when the Cumberland and Green rivers are at too low a stage of water for steamboat navigation, or when the navigation is checked by ice, all the carrying trade is done on it, for the States of Tennessee, Alabama, and the entire southern and western parts of the State of Kentucky. The travel on it is large, perhaps greater than on any road in the State.

What profits the stock in this road will yield, must depend on the manner in which it is constructed; if well made, and does not require too much repairs to consume the tolls, a dividend of from 5 to 7 per cent. will be the maximum, and from 3½ to 4 a minimum per cent. at all risks. The profits may safely be set down as equal to any road in which the State has an interest.

In executing this survey, much aid was derived from the surveys previously made by R. P. Baker, Esq. The notes were taken with a theodolite, by L. J. Berry, and kept by R. Akin, my assistants; and the estimate made jointly by the corps. Those young gentlemen are fully competent, and discharge their duties faithfully.

By a resolution of the board of managers, this road has been advertised to be sold on the 20th June next; and, it is expected, will be speedily completed to the mouth of Salt river.

I was attended, on this survey, by three of the managers, to wit: Major James Crutcher, John L. Helm, and Daniel Haycraft, Esqrs.; to them, the corps are under obligations for their attention.

Which is respectfully submitted.

HENRY J. EASTIN,
*Resident Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*
*And to the President and Managers of the Louisville Turnpike road Co.*

SCHEDULE E.

*Estimate of the Louisville Turnpike road from Frierear's to top of Muldrow's Hill.*

| SECTIONS. | Length of section. | Grubbing. | Price per pole. | Masanry in perches 25 cubic feet. | Price per perch. |
|---|---|---|---|---|---|
| No. | Poles. | Poles. | Dols. Cts. | Perches. | Dls. Cts. |
| One, - - - | 313.51 | 58 | 1 25 | 162 | 1 50 |
| Two, - - - | 324.97 | 34 | 1 25 | 108 | 1 50 |
| Three, - - | 315.52 | 156 | 1 25 | 162 | 1 50 |
| Four, - - - | 358.96 | 69 | 1 25 | 189 | 1 50 |
| Five, - - - | 318.00 | 185 | 1 25 | 162 | 1 60 |
| Six, - - - | 319.64 | 306 | 1 25 | 162 | 1 50 |
| Seven, - - - | 318.25 | 246 | 1 25 | 81 | 1 50 |
| Eight, - - - | 331.87 | 247 | 1 25 | 108 | 1 50 |
| Nine, - - - | 322.84 | 23 | 1 25 | 81 | 1 50 |
| Ten, - - - | 316.91 | 45 | 1 25 | 135 | 1 50 |
| Eleven, - - | 373.87 | 84 | 1 25 | 189 | 1 50 |
| Twelve, - - | 283.75 | 158 | 1 25 | 108 | 1 50 |
| Thirteen, - - | 342.48 | 223 | 1 25 | 54 | 1 50 |
| Fourteen, - - | 228.48 | 228 | 1 25 | 108 | 1 50 |
| Totals, - - | 4,468.05 | 2,062 | – | 1,809 | |
| Add ten per cent. for contingencies, | | | | | |
| Grand total cost, - | | | | | |
| Cost per mile, - | | | | | |

SCHEDULE E—Continued.

| SECTIONS. | Embankment in cubic yards. | Price per yard. | Excavation in cubic yards. | Price per yard. | Extra excavation in cubic yards. | Price per yard. |
|---|---|---|---|---|---|---|
| No. | Yards. | Cts. | Yards. | Cents. | Yards. | Cts. |
| One, - - - | 4,187 | 10 | 3,904 | 10 | 3,961 | 13 |
| Two, - - - | 2,015 | 10 | 1,903 | 10 | 3,167 | 13 |
| Three, - - | 4,204 | 10 | 3,476 | 10 | 3,593 | 13 |
| Four, - - - | 3,442 | 10 | 2,301 | 10 | 3,437 | 13 |
| Five, - - - | 3,580 | 10 | 3,286 | 10 | 3,481 | 13 |
| Six, - - - | 2,714 | 10 | 2,854 | 12 | 5,272 | 13 |
| Seven, - - | 5,895 | 10 | 5,544 | 13 | 2,402 | 13 |
| Eight, - - - | 3,748 | 10 | 2,828 | 13 | 4,206 | 15 |
| Nine, - - - | 2,973 | 10 | 3,121 | 10 | 3,143 | 13 |
| Ten, - - - | 5,168 | 13 | 3,014 | 10 | 2,975 | 13 |
| Eleven, - - | 6,006 | 10 | 6,299 | 10 | 3,039 | 13 |
| Twelve, - - | 3,304 | 10 | 3,978 | 10 | 4,447 | 15 |
| Thirteen, - - | 2,189 | 10 | 3,112 | 10 | 2,295 | 13 |
| Fourteen, - - | 1,904 | 10 | 1,614 | 10 | 2,519 | 13 |
| Totals, - - | 51,325 | – | 47,234 | – | 47,937 | |
| Add ten per cent. for contingencies, | | | | | | |
| Grand total cost, - | | | | | | |
| Cost per mile, - | | | | | | |

SCHEDULE E—Continued.

| SECTIONS. | Stoning road way. | Price per pole. | Total cost of each section. | Average cost per pole. | Cost of road per section without stone. |
|---|---|---|---|---|---|
| No. | Dolls. Cts. | D. Cts. | Dolls. Cts. | D. Cts. | Dolls. Cts. |
| One, - - - | 313 51 | 11 00 | 5,088 80 | 16 22 | 1,639 53 |
| Two, - - - | 324 97 | 11 00 | 4,582 68 | 14 10 | 1,008 01 |
| Three, - - | 315 52 | 11 00 | 5,143 81 | 16 30 | 1,673 08 |
| Four, - - - | 358 96 | 10 37 | 5,113 27 | 14 25 | 1,390 86 |
| Five, - - - | 318 00 | 10 37 | 4,911 04 | 15 44 | 1,613 38 |
| Six, - - - | 319 64 | 11 00 | 5,440 78 | 17 00 | 1,924 74 |
| Seven, - - | 318 25 | 10 37 | 5,351 73 | 16 81 | 2,051 48 |
| Eight, - - - | 331 87 | 10 37 | 5,285 58 | 15 92 | 1,844 09 |
| Nine, - - - | 322 84 | 10 37 | 4,516 09 | 13 98 | 1,168 24 |
| Ten, - - - | 316 91 | 10 37 | 4,905 09 | 15 47 | 1,618 24 |
| Eleven, - - | 373 81 | 10 37 | 5,891 10 | 15 75 | 2,014 07 |
| Twelve, - - | 283 75 | 10 37 | 4,697 23 | 16 55 | 1,754 75 |
| Thirteen, - - | 342 48 | 10 37 | 4,739 71 | 13 81 | 1,188 20 |
| Fourteen, - - | 228 48 | 11 00 | 3,639 55 | 15 81 | 1,126 27 |
| Totals, - - | 4,468 05 | – | 69,306 46 | – | 22,015 45 |
| Add ten per cent. for contingencies, | – | – | 6,930 64 | | |
| Grand total cost, - | – | – | 76,237 10 | | |
| Cost per mile, - | – | – | 5,445 50 | | |

SCHEDULE E—Continued.

| SECTIONS. | Cost of metal per section. | REMARKS. |
|---|---|---|
| No. | Dolls. Cts. | |
| One, - - | 3,449 27 | This section ends on black oak sapling, betwren Syphus and Sink. |
| Two, - - | 3,574 67 | This section ends on stake 19.7, to left hand in Rive's field. |
| Three, - - | 3,470 72 | This section passes Irvin's Hill, ends on stake in field. |
| Four, - - | 3,722 41 | This section passes Mrs. Buckner's, ends in Haycraft's lot. |
| Five, - - | 3,297 66 | This section passes Dr. McMurtrey's, ends on black jack. |
| Six, - - | 3,516 04 | This section passes Crutcher's Hollow, ends in Old field. |
| Seven, - - | 3,300 25 | This section passes Cruise's, ends on oak 9 feet to right. |
| Eight, - - | 3,441 49 | This section passes off the Ridge, ends at D. Sheet's. |
| Nine, - - | 3,347 85 | This section (post 34 to L) passes Wooldridge Arbot's, ends at Bogarts. |
| Ten, - - | 3,286 35 | This section passes Thruston's, ends on black jack, 7.5 to right. |
| Eleven, - - | 3,877 03 | This section passes Rosson's, ends on walnut, 12 feet to left. |
| Twelve, - - | 2,942 48 | This section passes Tarrent's, ends on black jack 7.5 to right. |
| Thirteen, - - | 3,551 51 | This section passes B. Harris', ends on large red oak in line. |
| Fourteen, - | 2,513 28 | This section passes through oak woods, ends at top of hill. |
| Totals, - - | 47,291 01 | |
| Add ten per cent. for contingencies, | | |
| Grand total cost, | | |
| Cost per mile, - | | |

## Report *on the Louisville Turnpike—Elizabethtown to Bell's.*

Munfordsville, *June 7th*, 1838.

Sirs:

The president and managers of this turnpike road, through Jas. R. Skiles, Esq., having asked the aid of one of the Resident Engineers, in the service of the State, to assist them in placing this work under contract properly—contracts having been entered into on the ———————— 1837, which did not fix specific prices for the work to be done, and the Board of Internal Improvement having required the contracts to be so modified as to fix specific prices for all the work, before they would approve them—under your directions, and the directions of the Board of Internal Improvement, with the assent of the president and managers of this road, I have assisted them in so modifying their contracts as to fix specific prices, for which you are referred to schedule F, herewith filed.

On my arrival at Elizabethtown, Mr. James Murray, the president, met me; and the alterations proposed by you, to be made in the location under which the contracts were originally made, not having been completed, and the alterations having much broken up the original line of location; so soon as the alterations were completed and the estimates made, the contracts, by the assent of the contractors, B. B. Edmonson & Co., were so changed as to fix specific prices, and they agreed to execute the work according to the contracts approved by the Board of Internal Improvement, as drawn up by yourself.

The work, as put under contract, amounted to the sum of $94,537 28, or 6 dollars for each lineal pole of road, to include clearing, grubbing, grading, masonry in culverts and bridges of less spans than six feet; the grade to be forty feet wide, clear of the field drains; the stone cover, as contracted for originally, was to be nine inches thick, laid in two layers of broken stone, the first six inches, weighing not more than eight ounces, the last three inches in depth of five ounce stone; the width to be eighteen feet. The cost per mile, (excluding all work on bridges above six feet span,) and including all other work, was found to be $5,240; bridges included, $5,645 per mile.—These prices include all contract prices, if the whole road be covered with stone.

The cost per mile, for all work, excluding bridges over six feet span, and including all other work, except stone cover, is $1,920; the cost of culverts, per mile, $350 47; and of bridges above six feet span, $405 32 per mile.

The price of stone cover, one foot deep and 18 feet wide, on Telford's plan, is $10 37½ per pole.

The original contracts were so made, that the work was to be executed as follows:

Grubbing and clearing by the pole.
Excavation and embankment by the cubic yard.
Masonry by the perch of 25 cubic feet.

In making the original location, the Engineer, Maj. R. P. Baker, had pursued long straight lines, and encountered, in many places, deep heavy excavations and embankments. The prices paid or fixed in the original contracts were liberal: 19 cents per cubic yard for excavation; the prices paid for grubbing, extravagant, to wit: $1 50 per lineal pole, the most of the distance through barren land, and light, small growth of timber; the prices paid for masonry, higher than usually paid for culvert work on the turnpike roads in Kentucky, by 30 per cent.; the excavations being in sandy soil generally, and all the work easily to be executed. At first, the contractors all expressed an unwillingness to change their contracts. In changing the location, the deep, heavy cuts and fills directed by you, were avoided; thereby keeping the road bed near the surface, and saving much heavy and expensive work. In doing this, the work was thrown amongst roots, and in the old travelled road, which is very disadvantageous to the contractor; and the original contracts having given the company power to increase or decrease the work, by paying the proper per centage, to be fixed by the Engineer in charge of the work—after much consultation with the managers and contractors, I advised an amount of ten per cent. to be added to excavations and embankments on all the changed or lightened portion of the line, and it amounted to the sum of about $2,500 on the whole line; the grubbing lost by the change of location, as you partly advised, amounted to $3,000; on all losses, say five thousand five hundred dollars.

Without going into a detail of the advantages or disadvantages of location, which was upon about fifteen miles, or half the distance, there has been saved to the State and Company, nearly $300 per mile, or about $2,000.—And in annual repairs, to remove the earth which abrades and falls from heavy excavations, into the road drains, and washes from the edges of the embankments, which were not unfrequently deep—and by lessening the grades of the road, and thereby increasing the speed of the travel, fully an amount of $10,000 more. In all, say $20,000.

The contracts have all been re-taken, by adding the ten per cent. to the excavations and embankments, as above, on the changed portion of the line, and specific prices fixed for all items of work.

Bridge plans, (from the office,) culvert plans, office contracts for duplicates, and printed directions for the construction of the work, have been furnished, and the contracts and duplicates signed and delivered; they were filled up by myself, and nothing is left to create future difficulties between the president and managers and the contractors, or the Board of Internal Improvement.

The cost of the road, as now under contract, is given in its proper column in the schedule F, fixed per lineal pole; all of which is for your inspection.

Should any piling be necessary, and properly made, by the consent of both parties, you (the Chief Engineer,) are to fix the value of the work.

I have left with the president, the following bridge plans: One for Bacon creek, open bridge, 30 feet span; one for Valley creek, 30 feet span, (on the 25th Nov. 1838,) I understand this bridge is changed to 50 feet span; Nolin river, 120 feet, and three of 20 feet span, for bridge run, and the forks of Rood's creek; and Main Rood's creek one of 20 feet span; with specifications and a duplicate for each contractor.

The contractors are generally engaged in the prosecution of their work.

By an order of the Board of Managers, the President, James Murray, is directed to lay before the Board of Internal Improvement, all the contracts, for their approval.

I feel gratified that this matter has been amicably adjusted between the contractors and local Boards; and now advise the Board of Internal Improvement to approve the contracts, and permit the work to progress.

This work was placed under contract, originally, without any definite estimate of the amount of work to be done; which was the cause of any interference by the Board of Internal Improvement. All prices are now specified.

HENRY J. EASTIN,
*Resident Engineer.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

*And to the President and Managers of the Louisville Turnpike road, from Elizabethtown to Bell's, or the Three Forks.*

SCHEDULE F.

*A tabular statement, exhibiting a general estimate of cost and quantity of work on the Louisville Turnpike from Elizabethtown to Munfordsville.*

| SECTIONS. | Length in poles. | CLEARING LINE. | | | |
|---|---|---|---|---|---|
| | | Chopping in poles. | Price. | Grubbing, in poles. | Price. |
| No. | Poles. | Poles. | D. Cts. | Poles. | Dols. Cts. |
| One, | 320. | 3. | 50 | 113.3 | 1 50 |
| Two, | 320. | – | 50 | 238.4 | 1 00 |
| Three, | 333.3 | 22.82 | 50 | 389.2 | 1 50 |
| Four, | 324.7 | 59.78 | 50 | 359.3 | 1 50 |
| Five, | 326.7 | 48. | 50 | 333. | 1 50 |
| Six, | 329.1 | 67. | 50 | 358. | 1 50 |
| Seven, | 327.7 | 48. | 50 | 276. | 1 50 |
| Eight, | 332.1 | 46. | 50 | 320. | 1 50 |
| Nine, | 320. | – | 50 | 210. | 1 50 |
| Ten, | 298.8 | 19. | 50 | 177. | 1 50 |
| Eleven, | 320. | – | 50 | 25. | 1 50 |
| Twelve, | 388. | 37. | 50 | 153. | 1 50 |
| Thirteen, | 320. | 18. | 50 | 266. | 1 50 |
| Fourteen, | 320. | 27. | 50 | 197. | 1 50 |
| Fifteen, | 320. | 34. | 50 | 275. | 1 50 |
| Sixteen, | 323. | 59. | 50 | 159. | 1 50 |
| Seventeen, | 327.7 | 24. | 50 | 323. | 1 50 |
| Eighteen, | 320. | – | 50 | 100. | 1 50 |
| Nineteen, | 320. | – | 50 | 99. | 1 00 |
| Twenty, | 320. | 7. | 50 | 168. | 1 50 |
| Twenty one, | 320. | 16. | 50 | 309. | 1 50 |
| Twenty two, | 326.4 | 36. | 50 | 435. | 1 50 |
| Twenty three, | 320. | – | 50 | 155. | 1 50 |
| Twenty four, | 314. | – | 50 | 260. | 1 50 |
| Twenty five, | 363.9 | 12. | 50 | 290. | 1 50 |
| Twenty six, | 320.3 | – | 50 | 272. | 1 50 |
| Twenty seven, | 306.8 | 6. | 50 | 258. | 1 50 |
| Twenty eight, | 320. | 27. | 50 | 282. | 1 50 |
| Twenty nine, | 320. | 24. | 50 | 206. | 1 50 |
| Thirty, | 320. | 3. | 50 | 266. | 1 50 |
| Thirty one, | 81.8 | 8. | 50 | 70. | 1 50 |

SCHEDULE F—Continued.

| SECTIONS. | GRADING LINE. | | | |
|---|---|---|---|---|
| | Excavation of all earth removed over 100 ft. c. yds. | Price. | Embankment removed over 100 ft. c. yds. | Price. |
| No. | Cubic yards. | Cents. | Cubic yards. | Cents. |
| One, | 6635 | 13 | 5235 | 19 |
| Two, | 2023 | 12 | 3465 | 18 |
| Three, | 3664 | 13 | 2815 | 19 |
| Four, | 5688 | 13 | 1575 | 19 |
| Five, | 6342 | 13 | 3479 | 19 |
| Six, | 4180 | 13 | 1630 | 19 |
| Seven, | 6035 | 15 | 1940 | 25 |
| Eight, | 4563 | 13 | 1040 | 19 |
| Nine, | 3396 | 13 | 1187 | 19 |
| Ten, | 3124 | 12½ | 13,018 | 27 |
| Eleven, | 3497 | 13 | 2600 | 19 |
| Twelve, | 6652 | 13 | 2194 | 19 |
| Thirteen, | 4414 | 13 | 2698 | 19 |
| Fourteen, | 3740 | 13 | 3790 | 19 |
| Fifteen, | 3863 | 13 | 2957 | 19 |
| Sixteen, | 4828 | 13 | 3700 | 19 |
| Seventeen, | 3473 | 13 | 1650 | 19 |
| Eighteen, | 4978 | 13 | 1900 | 19 |
| Nineteen, | 5808 | 12 | 1490 | 20 |
| Twenty, | 4524 | 13 | 1900 | 19 |
| Twenty one, | 5328 | 13 | 1400 | 19 |
| Twenty two, | 5060 | 13 | 900 | 19 |
| Twenty three, | 4150 | 13 | 1590 | 19 |
| Twenty four, | 4928 | 13 | 3580 | 19 |
| Twenty five, | 6323 | 13 | 2198 | 19 |
| Twenty six, | 4541 | 13 | 2386 | 19 |
| Twenty seven, | 4091 | 13 | 2745 | 19 |
| Twenty eight, | 9059 | 13 | 874 | 19 |
| Twenty nine, | 9212 | 13 | 1124 | 19 |
| Thirty, | 8508 | 13 | 1162 | 19 |
| Thirty one, | 1283 | 13 | 765 | 19 |

SCHEDULE F—Continued.

| SECTIONS. | MASONRY. | | | |
|---|---|---|---|---|
| | Masonry *dry* in perches. | Price. | Masonry in perchs, *mortar*. | Price. |
| No. | Perches. | D. Cts. | Perches. | D. Cts. |
| One, | 106.6 | 2 75 | 190 | 3 00 |
| Two, | 142. | 2 50 | | |
| Three, | 117. | 2 50 | | |
| Four, | 242. | 2 57 | | |
| Five, | 150. | 2 50 | 150 | 2 87½ |
| Six, | 228. | 2 62½ | | |
| Seven, | 188. | 2 95 | 290 | 3 25 |
| Eight, | 150. | 2 99 | | |
| Nine, | 150. | 2 90 | | |
| Ten, | 148. | 2 25 | 1700 | 2 75 |
| Eleven, | 180. | 2 77 | | |
| Twelve, | 250. | 2 77 | 150 | 3 09 |
| Thirteen, | 140. | 2 77 | | |
| Fourteen, | 127. | 2 77 | | |
| Fifteen, | 171. | 2 80 | | |
| Sixteen, | 186. | 2 00 | | |
| Seventeen, | | | | |
| Eighteen, | 103. | 1 90 | | |
| Nineteen, | 120. | 2 00 | | |
| Twenty, | 110. | 2 00 | | |
| | R. 78. | 1 25 | | |
| Twenty one, | 32. | 2 00 | | |
| Twenty two, | | | | |
| Twenty three, | 150. | 2 50 | | |
| Twenty four, | 328. | 2 00 | 352 | 2 87 |
| Twenty five, | 310. | 1 88 | | |
| Twenty six, | 213. | 1 88 | | |
| Twenty seven, | 160. | 1 88 | | |
| | R. 28. | 1 25 | | |
| Twenty eight, | 120. | 1 87 | | |
| Twenty nine, | 80. | 1 89 | | |
| | R. 33. | 1 25 | | |
| Thirty, | 33. | 1 90 | | |
| Thirty one, | 38. | 1 90 | | |

SCHEDULE F—Continued.

| SECTIONS. | Bridges' span in feet. | Price lineal ft. | Stoning roadway in poles. | Price per pole. |
|---|---|---|---|---|
| No. | Feet. | Dols. Cts. | Poles. | D. Cts. |
| One, | 35 | 7 00 | 320 | 10 37½ |
| Two, | – | – | 320 | 9 62½ |
| Three, | – | – | 160 | 10 37½ |
| Four, | | | | |
| Five, | 26 | 7 00 | 160 | 10 37½ |
| Six, | | | | |
| Seven, | 44 | 7 00 | | |
| Eight, | | | | |
| Nine, | | | | |
| Ten, | 130 | 25 00 | 160 | 10 37½ |
| Eleven, | | | | |
| Twelve, | 26 | 6 00 | | |
| Thirteen, | | | | |
| Fourteen, | | | | |
| Fifteen, | | | | |
| Sixteen, | – | – | 160 | 10 37½ |
| Seventeen, | – | – | 160 | 10 37½ |
| Eighteen, | | | | |
| Nineteen, | | | | |
| Twenty, | | | | |
| Twenty one, | | | | |
| Twenty two, | | | | |
| Twenty three, | – | – | 160 | 10 37½ |
| Twenty four, | 35 | 6 00 | | |
| Twenty five, | | | | |
| Twenty six, | | | | |
| Twenty seven, | | | | |
| Twenty eight, | | | | |
| Twenty nine, | – | – | 320 | 10 37½ |
| Thirty, | – | – | 320 | 10 37½ |
| Thirty one, | – | – | 81.82 | 10 37½ |

SCHEDULE F—Continued.

| SECTIONS. | Cost of each section without stone. | Price per pole. | Total cost of each section. | Cost per pole of present contracts, excluding bridges & stone cover. |
|---|---|---|---|---|
| No. | Dolls. Cts. | D. Cts. | Dolls. Cts. | D. Cts. |
| One, | 2,321 80 | 7 25 | 6,456 80 | 7 25 |
| Two, | 1,459 86 | 4 56 | 4,539 86 | 5 15 |
| Three, | 1,898 88 | 5 40 | 3,558 88 | 5 70 |
| Four, | 2,187 07 | 6 73 | 2,181 07 | 6 71 |
| Five, | 2,383 97 | 7 29 | 4,657 22 | 7 29 |
| Six, | 2,022 10 | 6 14 | 2,022 10 | 6 24 |
| Seven, | 1,828 25 | 5 57 | 3,633 35 | 7 37 |
| Eight, | 1,742 29 | 5 21 | 1,742 29 | 6 24 |
| Nine, | 1,417 01 | 4 43 | 1,417 01 | 6 00 |
| Ten, | 4,513 36 | 15 10 | 14,098 36 | 15 10 |
| Eleven, | 1,484 71 | 4 64 | 1,484 71 | 6 12½ |
| Twelve, | 2,222 12 | 5 72 | 2,841 62 | 6 12½ |
| Thirteen, | 1,882 24 | 5 88 | 1,882 24 | 6 12½ |
| Fourteen, | 1,866 99 | 5 83 | 1,866 99 | 6 12½ |
| Fifteen, | 1,972 32 | 6 16 | 1,972 32 | 6 16 |
| Sixteen, | 1,970 64 | 6 10 | 3,630 64 | 6 10 |
| Seventeen, | 1,261 49 | 3 84 | 2,921 49 | 5 00 |
| Eighteen, | 1,353 84 | 4 23 | 1,353 84 | 5 00 |
| Nineteen, | 1,333 96 | 4 17 | 1,333 96 | 5 00 |
| Twenty, | 1,424 62 | 4 45 | 1,424 62 | 5 00 |
| Twenty one, | 1,591 64 | 4 97 | 1,591 64 | 5 00 |
| Twenty two, | 1,499 30 | 4 59 | 1,499 30 | 5 00 |
| Twenty three, | 1,449 10 | 4 52 | 3,109 10 | 5 33 |
| Twenty four, | 2,366 84 | 7 53 | 3,587 08 | 8 00 |
| Twenty five, | 2,263 41 | 6 22 | 2,263 41 | 6 22 |
| Twenty six, | 1,852 15 | 5 78 | 1,852 15 | 6 44 |
| Twenty seven, | 1,744 18 | 5 68 | 1,744 18 | 5 68 |
| Twenty eight, | 2,039 68 | 6 37 | 2,039 63 | 6 37 |
| Twenty nine, | 2,059 57 | 6 43 | 5,379 57 | 6 43 |
| Thirty, | 1,789 63 | 5 59 | 5,109 63 | 5 72 |
| Thirty one, | 493 34 | 6 03 | 1,342 22 | 6 03 |

SCHEDULE F—Continued.

| SECTIONS. No. | Cost of stoning each sec. per pole, as sold. Dolls. Cts. | CONTRACTORS' NAMES. |
|---|---|---|
| One, | 10 37½ | Edmonson, Pike & M'Cague's con. |
| Two, | 10 37½ | Lewis Castleman's contract. |
| Three, | 10 37½ | Edmonson & Co's contract. |
| Four, | 10 37½ | Edmonson & Co's contract. |
| Five, | 10 37½ | Edmonson & Co's contract. |
| Six, | 10 37½ | Edmonson & Co's contract. |
| Seven, | 10 37½ | Moved do. on old road. |
| Eight, | 10 37½ | Moved do. on old road. |
| Nine, | 10 37½ | Moved do. on old road. |
| Ten, | 10 37½ | Moved do. on old road. |
| Eleven, | 10 37½ | P. Malone's contract. |
| Twelve, | 10 37½ | P. Malone's contract. |
| Thirteen, | 10 37½ | P. Malone's contract. |
| Fourteen, | 10 37½ | P. Malone's contract. |
| Fifteen, | 10 37½ | O'Brian & Williams' contract. |
| Sixteen, | 10 37½ | O'Brian & Williams' contract. |
| Seventeen, | 10 37½ | Edmonson & Co's contract. |
| Eighteen, | 10 37½ | Edmonson & Co's contract. |
| Nineteen, | 10 37½ | G. Jemison's contract. |
| Twenty, | 10 37½ | Edmonson & Co's contract. |
| Twenty one, | 10 37½ | Edmonson & Co's contract. |
| Twenty two, | 10 37½ | Edmonson & Co's contract. |
| Twenty three, | 10 37½ | Edmonson & Co's contract. |
| Twenty four, | 10 37½ | Moved do. in old road. |
| Twenty five, | 10 37½ | Edmonson & Co's contract. |
| Twenty six, | 10 37½ | do. |
| Twenty seven, | 10 37½ | do. |
| Twenty eight, | 10 37½ | do. |
| Twenty nine, | 10 37½ | do. |
| Thirty, | 10 37½ | do. |
| Thirty one, | 10 37½ | do. |

| | | |
|---|---|---|
| Average prices, per pole, | | $ 6 00 |
| Average prices, per mile, without stone, | | 1,920 00 |
| Average prices, with stone, per mile, | | 5,240 00 |
| Average prices, with bridges, per mile, | | 5,645 00 |
| Cost of road, | $94,537 28 | |
| Add ten per cent., | 9,463 72 | |
| Total cost, | 103,991 00 | |

Length of line, 30.7 miles.



[App. to H. R. J.]

## REPORT *on the Turnpike Road from Bell's Tavern to Bowling-green.*

BOWLINGGREEN, WARREN COUNTY, KY.,
*December 25th*, 1838.

SIR:

In pursuance of your letter of instructions of the 7th instant, a reconnoissance, survey and estimate of this road have been made, commencing them on Friday the 15th instant, at William Bell's, in Barren county, attended by Messrs. Murrel, President, Slaughter Bell and Richard Patison, directors.

The section of country through which this line of road passes, is different from the general surface and soil of Kentucky, being denominated *barrens*. There are no natural guides as usual, to direct the route, to-wit: the valleys of water courses, and the ridges by which those water courses are separated. There is a ridge extending the whole length of the line lying parallel to, and varying from a fourth to a mile and a quarter from the old traveled road. Running water rarely occurs—the only considerable spring being on the plantation of John White, called the Dripping Springs, which sinks in the distance of 100 yards. This chain of highlands rises precipitously from the level barren lands; the sides and base are composed of large masses of calcarious limestone, capped with grey sandstone—all of which are in a cavernous and broken up condition. This high land or ridge increases in height as you go south-west, and varies from 100 feet to 240 or 50 feet. The sandstone is soft, disintegrates easily, and is totally unfit for building purposes. The limestone varies in quality: the two kinds most common, are the common and marble. They are a good material for all purposes of turnpike road making.

The stone on the barren lands which begins at the base of this range of high lands, is in large lumps; the composition seems to be silax and lime, the silax being the larger part. It is formed of *concologized* masses, and when acids are applied, does not effervesce. It is very tough and hard, does not yield easily to the hammer. Could it be broken easily, would make a fine cover for a road: it does not disintegrate, lies near the surface, and is frequently connected with the limestone—all bearing the appearance of having been burnt and conglomerated.

The beds of calcarious limestone are not confined to this range of high land, but are frequentfy found in the barren lands, exposed on the surface, and a short distance under it—varying from surface to 15 feet.

The soil is red, silicious, fertile, and kind to cultivate; the surface is slightly undulating, the valleys terminating in large sinks, which can be and are converted into fine ponds by any process of puddling—in the road by being rendered firm and hard by travel—in the farms and woodlands, by being used and trod by the stock. They drain in all instances where there is

limestone, by opening a drain to the limestone, which, under the earth, is cavernous, and permits the water to escape.

The soil may be said in all instances to rest on a limestone substrata as on the north of the Kentucky river, the limestone differing from it, in not being composed of shells, nor does it lay in such thin, shelly, horizontal strata. Where the limestone is not near the surface, the soil puddles easily, and the water remains on the surface. The roads cut very deep in rainey weather, and after the winter freezes. The frost penetrates deep, and the earth spews up, or is much opened or thrown up by its action; and to make a permanent road, will require to be well drained and protected from the water. The silicious part of this barren land would make a fine earth turnpike road if properly prepared; but the red soil so frequently separates it as to make a stone roadway necessary throughout the line.

The timber is red oak, post oak and hickory, on the barren lands, generally too small for building purposes—it does not appear to be in a flourishing condition. On the high land, the timber is large and fine, though the soil is too poor for cultivation. The timber on the bottom lands of Big Barren river is such as generally grows on the river bottoms or low alluvial lands of Kentucky, and equally as good as any for all the purposes of the Engineer or architect.

The products of the country are corn, wheat, rye, oats, tobacco, potatoes, peas, beans, and all the variety common to this climate, and are raised in large quantities. *Tobacco* is the chief staple commodity of agriculture. The stock of the country are horses, cattle, mules, sheep and hogs, all of which form a commerce for the country, and with the produce are vended in the Southern States.

The citizens are of the first class; the farms are in a high state of cultivation, and the whole country presents a prospect highly creditable to the State, and undoubtedly no portion of her territory is more worthy of her patronage and support in the construction of an improvement of this class.

The rivers and water courses crossed by this line of road, are but one, the Big Barren, which is 226 feet wide at water surface, and has alternately a low alluvial bottom on one side, and high calcarious limestone cliffs on the other. The bank of the stream on the alluvial side, is generally 25 feet in height; on the cliff side, varies from 30 to 80 feet. The stone in these cliffs is also in a shattered condition at the surface, and rise nearly perpendicular. This stream frequently, in freshets, overflow the bottom lands from 10 to 15 feet.

The line of road is located on or near the old road; the choice of ground is very inconsiderable; the situation of the farms on the old road being such as to forbid their being cut by the line without doing great private damage, one series of farms being situated on the north west of the road between the old road and the high land, and the old road being generally so nearly direct as to lose but little distance. The length of the line from Bell's to Bowlinggreen is twenty three and ninety four hundredths miles, and was laid out with a theodolite and 50 feet chain. The line is divided into 24 sections of nearly one mile each, designated and marked on the ground. The stations vary in length from 25 to 250 feet, each having a stake with its proper number and reference marked on it.

The maximum ascent or descent is one in thirty, or an angle of nearly one

degree fifty five minutes of grade; of this class there are but few, the greatest portion being less than one degree of ascent or descent.

The whole line to be cleared of all timber on a width of 60 feet, and 48 feet grubbed and cleared of all trees, roots and stumps. A culvert or drain is to be placed under the road at all points where the water would collect against the side of the road-bed, and to connect with the natural drains of the country.

The excavations are to slope at an angle of 33 degrees 42 minutes, or one foot and a half slope to each foot rise, and to present a smooth and even surface.

The embankments will form an angle of 33 deg. 42 m. with the horizon, or have a slope of 1½ feet base to 1 foot rise; and to present on the sides a smooth and even surface.

There shall be no spoil banks, but all the earth taken from the excavations shall be placed in the embankments.

The road-bed shall be graded 40 feet wide in all instances, clear of the common road drains. The transverse section is to be leveled from a point 3 feet from the road drain on one side, for the distance of 20 feet; the remaining portion of 18 feet in width, shall have an eliptical shape, the semi conjugate axis of which shall be equal to the depth of the middle part of the roadway—the semi-transverse axis 18 feet, which is the width of the summer road.

The stone roadway may be formed either with a pavement on the Telford plan, 8 inches deep, covered with stone, broken into cubical pieces not exceeding 5 ounces in weight, and on an average 4 inches deep, and should be so laid on as to form an elipse with a semi-conjugate diameter of 5 inches, and the transverse diameter 18 feet, which is the width of the pavement of the road; or entirely of broken stone on the McAdam's plan, one foot deep or thick, and 18 feet wide. They are to be put on in two layers, the first of 8 ounce stones, broken off the road-bed and carted on and spread evenly over its surface. This layer is to be rolled with a heavy iron roller until it becomes compact and firm. It is to be raked and kept even and level during the time the roller or travel is passing over it. The second or last layer is to be laid on so as to form an elipse similar to that which covers the pavement. The whole is then to be rolled and raked similar to the first layer. The side ditches should be cut out so that the bottom angle in the highest part of the ditch, shall be at least 18 inches below the edge of the road-bed, and the bottom of the ditch should descend each way from such angle, toward a culvert or natural drain, so that the water will pass freely off from the road. The earth taken from the ditches, is to be placed on that part of the road-bed between the ditches and the part covered with broken stone, so as to raise it 6 or 7 inches next the mettal of the road. It should slope off towards the ditch.

A more specific specification and contract will be furnished, affording all the necessary information requisite to the construction of this road.

The site for a bridge has been selected over Big Barren river, opposite to the street in Bowlinggreen, upon which the Nashville road enters the town. The water surface of this stream measures 226 feet, is about 6 feet deep. The north-eastern bank is alluvial and 25 feet higher than the surface of the water. The bed and bank on that side is black loam, based on coarse hard gravel, will require an abutment with a grillage foundation, placed 8 feet

below the surface of the water. The south-west bank will afford a solid rock foundation for the abutment. The bridge will have a double roadway, each 13 feet wide in the clear, with a single span of 220 feet, to finish 234 feet in the roadways.

A plan of the abutments, bridge and specification for each, will be furnished, giving in detail the manner of construction.

An embankment is required on the north-east side of this stream, 1250 feet long, varying in height from 10 to 25 feet, and contains 43,133 yards of earth. It is worth 25 cents per cubic yard to build it, or $10,783 25. It is estimated to be entirely above the overflow of Big Barren river, and to finish 30 feet wide on top—sides to slope 1½ to 1, rise.

A better location, that is a location for this bridge, could be made with a shorter bank, at or near the old bridge, 400 or 500 feet lower down the river, but being opposed, as an officer of the State, to connect one of the great highways with an individual stock company until this bridge site is released to this company and the State, I shall decline connecting the survey with this location; the only difference in the cost of construction being in the difference of the length of the banks, which is about 300 feet or 5,667 yards, amounting to $1,416 75. This is a considerable sum, yet if the State and company can build this road without incurring this expense, they can do so with it, and not be molested by another corporation severing their road. This bridge company have suffered their bridge to decay, fall down and lay in a state of ruin for some years past, affording no public good nor convenience. The pier now in the river greatly cumbers the navigation, and should be removed. There is nothing valuable at the site of the bridge except the rock in the pier and abutments, and in the pillars, and supports for the inclined plane, which leads from the level of the bridge to the low flat land on the north-east side of the river; and this stone is too small for any of the purposes of building, but could be used for McAdamizing, and is in value equal to that much quarried or broken stone.

This road is now the greatest highway connecting Louisville and the different points along its line with Nashville; is as much traveled, perhaps, as any in Kentucky; as estimated, its capacity to accommodate the commerce and facilities of trade, are exceeded by none in the west. It will not only combine the benefit of a fine McAdam cover, but will have along one entire side a fine summer road, 18 feet wide. This additional road adds at least 30 per cent. to the cost of the excavations and embankments; yet it is inconsiderable when compared with its advantages. The stone road, with this addition, is saved fully two thirds of the year from travel. The saving in repairs and the ease of the traveller when on the summer road, are more than ample remuneration for the additional cost.

If this road be well constructed, no doubt is entertained that, to the citizen stockholders, it will yield a handsome dividend on their capital stock. The stockholders, generally, live in the town of Bowlinggreen, or in the vicinity of the road. The facilities of travel and the increased value of their property, should their stock yield nothing, would more than compensate them for their capital.

The length of the line as before stated, is 23.94 miles, and will cost, including bridge, $169,013 54, to-wit:

| | | |
|---|---|---|
| Grubbing and clearing, | 1,760 poles, at $1, | $1,760 00 |
| Common excavation, | 185,991 yds. at 10 cts., | 18,599 10 |
| Hard excavation, | 30,360 yds. at 15 cts., | 4,554 90 |
| Embankments, | 96,990 yds. at 10 cts., | 9,699 00 |
| Masonry, | 1,320 perches at $1 50, | 1,980 00 |
| Stone roadway, | 7,660.8 lineal poles, 11½ & 12, | 89,365 60 |
| Embankments at bridge, | 43,133 yds. at 25 cents, | 10,783 25 |
| Cost of road, without contingences, | | $136,741 85 |
| Add 5 per cent. for contingences, | | 6,837 09 |
| Cost of road, with contingences, | | 143,578 94 |

Cost of bridge over Big Barren river, 220 feet chord—

| | |
|---|---|
| Excavation abutment pits, | $638 60 |
| 5,847 perches of masonry at $3, | 17,541 00 |
| 234 feet superstructure at $30, | 7,020 00 |
| 47 perches parapet walls at $5, | 235 00 |
| Total cost of Bridge, | 25,434 60 |
| Total cost of road and bridge, | $169,013 54 |

A schedule marked A, is herewith filed, giving in detail, the specific amount of each particular description of work, with the prices for each. It will also be perceived that this road costs a sum a little higher than the generality of turnpike roads, yet it is to be recollected that the width of the grade, width of *mettal*, and depth of mettal, are 25 per cent. larger than the most of the roads in Kentucky.

If the navigation of Big Barren river shall fulfil, (of which there is but little doubt,) the expectations of the citizens, such a road as this will be highly beneficial to her population, and to the agricultural and trading community through which the road passes.

The population of Bowlinggreen are as commercial as any in the inland towns of the State. The agriculturalist, (among the different classes,) find a ready sale for all his produce; and whilst this road will be beneficial to the citizens of the town, it is equally so to those in the adjacent country, affording an easy and cheap line of inland transportation for their produce, to a point or points on Big Barren, which it is anxiously expected will be in a situation to navigate, at all seasons, in one or two years.

The importance of this road is as well and better understood by the Board of Internal Improvement, as I could desire it—comment would be useless.

Respectfully submitted.

HENRY J. EASTIN,
*Civil Engineer.*

To Slvester Welch, Esq.,
*Chief Engineer of Kentucky,*
*And to the President of the Turnpike road from Bell's to Bawlinggreen.*

SCHEDULE A.

*Estimate of the Turnpike leading from Bell's tavern to Bowlinggreen.*

| SECTIONS. | Length section in poles. | Grubbing in poles. | Price per pole. | Masonry in perches. | Price. |
|---|---|---|---|---|---|
| No. | Poles. | Poles. | Dols. | Perches. | D. Cts. |
| One, | 368. | 143 | 1 00 | 30 | 1 50 |
| Two, | 322.3 | 73 | 1 00 | 90 | 1 50 |
| Three, | 315. | – | – | 90 | 1 50 |
| Four, | 339.7 | 72 | 1 00 | 60 | 1 50 |
| Five, | 336.3 | – | – | 120 | 1 50 |
| Six, | 324. | – | – | 60 | 1 50 |
| Seven, | 363.1 | 210 | 1 00 | | |
| Eight, | 293.8 | 100 | 1 00 | 120 | 1 50 |
| Nine, | 337.5 | 113 | 1 00 | 120 | 1 50 |
| Ten, | 321.2 | – | – | 90 | 1 50 |
| Eleven, | 321.2 | 48 | 1 00 | 30 | 1 50 |
| Twelve, | 322.7 | – | – | 30 | 1 50 |
| Thirteen, | 297.8 | 106 | 1 00 | | |
| Fourteen, | 298.4 | 36 | 1 00 | 60 | 1 50 |
| Fifteen, | 327.2 | – | – | 60 | 1 50 |
| Sixteen, | 339.7 | 51 | 1 00 | 30 | 1 50 |
| Seventeen, | 318.1 | 136 | 1 00 | 30 | 1 50 |
| Eighteen, | 333.3 | 12 | 1 00 | 90 | 1 50 |
| Nineteen, | 321.2 | 106 | 1 00 | 30 | 1 50 |
| Twenty, | 324.2 | 48 | 1 00 | 30 | 1 50 |
| Twenty one, | 351.5 | 66 | 1 00 | 60 | 1 50 |
| Twenty two, | 316.4 | 240 | 1 00 | 30 | 1 50 |
| Twenty three, | 199.7 | 200 | 1 00 | | |
| Twenty four, | 270.3 | – | – | 60 | 1 50 |
| Total cost, | | | | | |
| Add 5 per cent. | | | | | |
| Cost of bridge, | | | | | |
| Grand total cost, | | | | | |

SCHEDULE A—Continued.

| SECTIONS. | Excavation in yards. | Price. | Hard excavation. | Price. | Embankment. |
|---|---|---|---|---|---|
| No. | Yards. | Cents. | Yards. | Cents. | Yards. |
| One, - - | 9878 | 10 | 1601 | 15 | 3564 |
| Two, - - | 7247 | 10 | 1518 | 15 | 4483 |
| Three, - - | 7337 | 10 | 972 | 15 | 4077 |
| Four, - - | 7441 | 10 | 1641 | 15 | 3991 |
| Five, - - | 5550 | 10 | 480 | 15 | 3105 |
| Six, - - | 6715 | 10 | 956 | 15 | 2785 |
| Seven, - - | 9510 | 10 | – | – | 2791 |
| Eight, - - | 9230 | 10 | – | – | 4222 |
| Nine, - - | 11590 | 10 | 9082 | 15 | 5919 |
| Ten, - - | 7928 | 10 | 738 | 15 | 2446 |
| Eleven, - - | 6664 | 10 | 953 | 15 | 5435 |
| Twelve, - - | 9508 | 10 | 745 | 15 | 2904 |
| Thirteen, - - | 6906 | 10 | 1110 | 15 | 4044 |
| Fourteen, - - | 7154 | 10 | 544 | 15 | 3907 |
| Fifteen, - - | 8538 | 10 | – | – | 3883 |
| Sixteen, - - | 9773 | 10 | – | – | 3932 |
| Seventeen, - - | 7229 | 10 | 1549 | 15 | 4117 |
| Eighteen, - - | 7003 | 10 | 1656 | 15 | 3849 |
| Nineteen, - - | 7879 | 10 | 722 | 15 | 3249 |
| Twenty, - - | 9484 | 10 | – | – | 5453 |
| Twenty one, - | 10547 | 10 | 2670 | 15 | 6714 |
| Twenty two, - | 8558 | 10 | 2929 | 15 | 7406 |
| Twenty three, - | 3340 | 10 | – | – | 44557 |
| Twenty four, - | 7335 | 10 | – | – | 3280 |
| Total cost, - - | | | | | |
| Add 5 per cent. - | | | | | |
| Cost of bridge, - | | | | | |
| Grand total cost, - | | | | | |

SCHEDULE A—Continued.

| SECTIONS. No. | Price. Cts. | Bridges, span of. Feet. | Price in lineal feet. Dol. | Masonry in abutments. Per. | Price per perch. Dols. | Excavation abutment pits. Yds. | Price. Cents. | Stoning roadway, price per pole. D. Cts. |
|---|---|---|---|---|---|---|---|---|
| One, | 10 | – | – | – | – | – | – | 11 50 |
| Two, | 10 | – | – | – | – | – | – | 11 50 |
| Three, | 10 | – | – | – | – | – | – | 11 50 |
| Four, | 10 | – | – | – | – | – | – | 11 50 |
| Five, | 10 | – | – | – | – | – | – | 11 50 |
| Six, | 10 | – | – | – | – | – | – | 11 50 |
| Seven, | 10 | – | – | – | – | – | – | 11 50 |
| Eight, | 10 | – | – | – | – | – | – | 11 50 |
| Nine, | 10 | – | – | – | – | – | – | 11 50 |
| Ten, | 10 | – | – | – | – | – | – | 11 50 |
| Eleven, | 10 | – | – | – | – | – | – | 11 50 |
| Twelve, | 10 | – | – | – | – | – | – | 12 00 |
| Thirteen, | 10 | – | – | – | – | – | – | 12 00 |
| Fourteen, | 10 | – | – | – | – | – | – | 12 00 |
| Fifteen, | 10 | – | – | – | – | – | – | 12 00 |
| Sixteen, | 10 | – | – | – | – | – | – | 11 50 |
| Seventeen, | 10 | – | – | – | – | – | – | 12 00 |
| Eighteen, | 10 | – | – | – | – | – | – | 12 00 |
| Nineteen, | 10 | – | – | – | – | – | – | 12 00 |
| Twenty, | 10 | – | – | – | – | – | – | 11 50 |
| Twenty one, | 10 | – | – | – | – | – | – | 12 00 |
| Twenty two, | 10 | – | – | – | – | 560 | 50 | 12 00 |
| Twenty three, | 10 | 234 | 30 | 5847 | 3 | 1928 | 20 | 11 50 |
| Twenty four, | 10 | | | | – | | | 11 50 |
| Total cost, | | | | | | | | |
| Add 5 per cent, | | | | | | | | |
| Cost of bridge, | | | | | | | | |
| Grand total cost, | | | | | | | | |

SCHEDULE A—Continued.

| SECTIONS. | Total cost of each section. | REMARKS. |
|---|---|---|
| No. | Dolls. Cts. | |
| One, - - | 6,004 35 | Ends in a field. |
| Two, - - | 5,314 80 | |
| Three, - - | 5,044 70 | Ends on hick'ry, bearing N. 20d w. 20.3 off. |
| Four, - - | 5,457 85 | |
| Five, - - | 4,621 95 | On black jack, 12 feet off left. |
| Six, - - | 4,909 40 | |
| Seven, - - | 5,615 75 | On postoak, 12 feet off. |
| Eight, - - | 5,003 90 | Opposite house. |
| Nine, - - | 7,218 45 | On postoak, Ref. 20 feet right. |
| Ten, - - | 4,976 90 | In lane, near Thos. Ray's. |
| Eleven, - - | 5,139 65 | In lane, near Patterson's tavern. |
| Twelve, - - | 5,269 35 | On postoak, 10 feet right. |
| Thirteen, - - | 5,016 10 | On oak, 16 feet to the right. |
| Fourteen, - | 4,894 50 | Opposite Richard Patterson's. |
| Fifteen, - - | 5,258 50 | At right angles to stake, 33 feet off. |
| Sixteen, - - | 5,373 05 | On postoak, 2 feet left, at stake. |
| Seventeen, - | 5,261 65 | 600 feet S. W. widow Sullinger's. |
| Eighteen, - | 5,405 20 | On stake, 2 ft. right, opposite Z. Taylor's. |
| Nineteen, - | 5,226 50 | In Lane, 550 feet S. W. Purcell's. |
| Twenty, - - | 5,315 00 | On post, 21 ft. rt. opposite Quisenberry. |
| Twenty one, - | 6,500 60 | On stake, 20 ft. rt. off J. M. Blakey's. |
| Twenty two, - | 5,997 55 | On sycamore, 22 feet off right. |
| Twenty three, - | 13,656 20 | At edge of water north, S. B. Barren. |
| Twenty four, - | 4,259 95 | At N. E. side public square, in street. |
| Total cost, - | 136,741 85 | |
| Add 5 per cent, | 6,837 09 | |
| | 143,578 94 | |
| Cost of bridge, - | 25,434 60 | |
| Grand total cost, | 169,013 54 | |

## Report *on Turnpike Road from Bowlinggreen to the Tennessee line.*

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Engineer's Office,
*February* 9, 1838.

To Sylvester Welch, *Chief Engineer of Kentucky, and to the President and Directors of the Turnpike Road Company from Bowlinggreen through Franklin to the State line of Tennessee, in a direction to Nashville:*

Gentlemen—Pursuant to instructions from the Chief Engineer, a survey of this road was commenced in Bowlinggreen, on Thursday, the 28th of December, 1837, at the south east corner of the public square and passing through Franklin at the distance of 20.75 miles, pursues the best practicable line from thence to the Tennessee State line, at a point known as the "Black Jacks" on the old road 6.9 miles from Franklin, and 27.65 miles from Bowlinggreen.

A compass line having been run on the old road, between the points intended for the road, by Alonzo Livermore, Esq. and having ascertained that the old travelled road was but little crooked, the basis of the location was made on and adjacent to the old road.

The surface of the country is generally undulating, and not unfrequently much broken, with long deep sinks. There is little or no running water upon it. The soil is fertile, though its fertility is varient, in the same neighborhood are found first, second and third rate land. The country is cavernous, and the springs are under the earth, varying in depth from 10 to 80 feet, affording large quantities of water.

The drains communicate with sinks which are enclosed by horizontal strata of cavernous limestone, which admit the water to pass off freely, unless, during freshets, when there is a lack of vent and the water rises up through those sinks and floods large portions of country. These sinks puddle easy, and afford fine deep ponds.

The line of road is generally laid in the valley of Cave creek, which is seldom seen above the surface, and is from 10 to 80 feet under it. In freshets the cavern through which it passes being too small to vent the great quantity of water collected at those periods, the country adjacent is flooded; where the present road passes over it at N. Hampton's, a large bank will be required with a 30 feet span bridge to vent the water—though at common water it is not seen. At Henry Shanks'. three miles from Bowlinggreen, this stream affords water sufficient to drive a woollen machine and grist mill, which are situated in a cave, called "Mill Cave," entirely under the surface, and so perfectly protected by the cave from the weather as to require no artificial roof.

The stones are lime and silex and approach to quartz; the limestone is in horizontal layers, and large uneven boulders; these boulders will generally

afford a superior metal for the stone roadway—they will be hard to break. The quarries are well distributed on the line, and convenient to it from Bowlinggreen to N. Hampton's a distance of 14 miles, when the quarries are less frequent, and are situated from 1,000 to 4,000 feet from the line. The silex is in lumps, weighing from 1 to 8 ounces; appears to have been burnt, is easily crushed, and will not make a durable cover for turnpike road.

The culverts will be small, the drainage being through sinks with which the drains connect—not very many will be required to drain the road.

The hills are not frequent, and do not often force the alignment to deviate from a direct line. The road has been laid around rather than over them, having preferred to increase the length of the road, rather than lay steep grades.

The excavations and embankments are light, and will not more than remove or cover up the loam or soil.

There is but a small portion of swamp or boggy land; that near to and south of N. Hampton's, is the worst, and can be easily drained by cross drains, and drains parallel to the axis of the road—and a small bank will render it a good smooth hard surface for a road.

The road bed is in all instances laid on the south side of the hills, so as to give free exposure to the wind and rain.

The grubbing and clearing are medium, the timber is oak and hickory, and rather larger than the timber in the barrens north of Green river.

The soil is close, hard and compact, having a red clay substrata, and will make a fine road bed.

The dimensions of the road are as follows: the road is to be cleared 60 feet in width, grubbed and graded 40 feet, with a ditch on each side to carry the water along parallel with the ramp of the road, until it meets a natural drain or culvert.

The maximum ascent or descent is 1 foot in 30, and there are but few points where this grade was required; five sixths of the road being at a grade of from zero to one degree, or one in 57.3 feet.

The metal of the road is estimated to be 1 foot deep and 18 feet wide. The transverse section will be laid on a horizontal road bed—the pavement will be laid 8 inches deep, of conical shaped stones set with their points up, or with flat stones set with their thickest and largest edges upon the road bed. When the pavement is made of flat stones, or any stones that present a flat surface at the top, such surface of each stone is to be broken with a hammer so as to reduce it to an edge or point; the interstices are then to be filled up with broken stone, carefully placed in by hand, so that all cavities shall be filled. The filling should be raised a little above the top of the paving stone, this being done the whole pavement is then to be rammed with a wooden ram until the filling shall be firmly fixed between the paving stones.

The pavement is then to be covered with a layer of broken stones, laid in the following manner: Hard compact limestone or other hard stones are to be broken into pieces as nearly cubical as possible, and not exceeding five ounces in weight. They are to be broken at points not on the road bed, and kept free from dirt; they are to be carted on the road, and spread over it, so that the small and large ones shall be intermixed in a manner to cause them to pack closely together—this layer of stone should be from six to seven inches in depth. In this road eight inches is adopted in the centre of the road; they will be so reduced towards the sides, as to give the sur-

face such a curve that the cross section will be an elipse, with a semi-conjugate diameter of 5 inches, and a transverse diameter of 18 feet. After the stones are levelled, they should be rolled with a heavy iron roller until it becomes compact.

With this report is filed a printed paper, being general directions for the construction of turnpike roads, and which the President and Directors are required to pursue in construction; also, a blank contract, by which a sale is to be made, (drawn up by the Chief Engineer of Kentucky.)

This road will be a continuation of the road that leads from Louisville, through Elizabethtown, by Bell's tavern, to Bowlinggreen, on to the State line, and is one of the principal roads in Kentucky, over which all the travel from Louisville to Nashville passes; and will afford to all the southern citizens of this State, and the State of Tennessee adjacent, a safe transportation for the produce of the country, which is corn, oats, wheat, rye and the various vegetables common in the middle part of the State. The staple commodity of Warren and Simpson counties, is tobacco, and the largest portion of it is purchased in Bowlinggreen, and shipped out of Barren and Green rivers to the New Orleans Market. This road will connect itself with the slackwater navigation of Barren river at Bowlinggreen. The general travel South; the principal stock of the country driven to Alabama, Mississippi, Louisiana, Western Georgia and West Florida, are carried over this road. The corn crops are more abundant in this, than any southern portion of the State, and affords more conveniences for the stock than any road leading in a southern or southwestern direction.

From these facts, I am induced to believe, that the tolls will at least equal any road in the State, and the citizens are equally entitled to all the benefits derived from such improvements. The materials and labor can be furnished as low as on any work in the State.

Two lines were laid through the town of Franklin. I have selected the line passing most south, by Mrs. Moore's tavern. It will be easier made, and 25 feet shorter, and the grades lower than in the northern street.

Schedule A, gives in detail the cost of the work required to construct such a road, with the cost of each item of work.

A map of the road will be made as soon as the duties of the office will permit—one copy will be kept in the office, and one sent to the local board, with copies of the field notes.

Should the Board determine to construct the road, it is desirable that it be put under contract in the next month.

The total cost of this road will be $141,691 20, or $5,487 16 per mile, including contingencies. And will add that the landholders have generally released to the State right of way, land and materials, on and out of which to construct this road.

HENRY J. EASTIN, *Res. Eng.*

SCHEDULE A.

*Estimate of the Turnpike Road leading from Bowlinggreen, via Franklin, Simpson county, to the Tennessee line.*

| SECTIONS. | Length of section. | Grubbing. | Price per pole. | Masonry in perches 25 cubic feet. | Price per perch. |
|---|---|---|---|---|---|
| No. | Poles. | Poles. | Dols. Cts. | Perches. | Dls. Cts. |
| One, - - - | 320. | 228.6 | 1 25 | 125 | 1 50 |
| Two, - - - | 324.2 | 324.2 | 1 25 | – | 1 50 |
| Three, - - | 321.2 | 121.2 | 1 25 | 25 | 1 50 |
| Four, - - - | 324.6 | 362.6 | 1 25 | – | 1 50 |
| Five, - - - | 345.4 | 115.4 | 1 25 | 75 | 1 60 |
| Six, - - - | 348. | 108. | 1 25 | 50 | 1 50 |
| Seven, - - - | 333.3 | 166.6 | 1 25 | 25 | 1 50 |
| Eight, - - - | 321.2 | 321.2 | 1 25 | 25 | 1 50 |
| Nine, - - - | 342.4 | 133. | 1 25 | 50 | 1 50 |
| Ten, - - - | 315.1 | 4.8 | 1 25 | 75 | 1 50 |
| Eleven, - - | 327.2 | 6.5 | 1 25 | – | 1 50 |
| Twelve, - - | 351.5 | 245.4 | 1 25 | 50 | 1 50 |
| Thirteen, - - | 327.2 | 327.2 | 1 25 | 75 | 1 50 |
| Fourteen, - - | 327.2 | 327.2 | 1 25 | 50 | 1 50 |
| Fifteen, - - | 318.1 | 121.2 | 1 25 | 50 | 1 50 |
| Sixteen, - - | 321.2 | 133.3 | 1 25 | 25 | 1 50 |
| Seventeen, - - | 315.9 | 188. | 1 25 | – | 1 50 |
| Eighteen, - - | 322.6 | – | 1 25 | 25 | 1 50 |
| Nineteen, - - | 323.8 | 178.4 | 1 25 | 85 | 1 50 |
| Twenty, - - | 373.9 | 315.1 | 1 25 | 75 | 1 50 |
| Twenty one, - | 296.9 | 72.7 | 1 25 | 25 | 1 50 |
| Twenty two, - | 320. | 235.1 | 1 25 | 85 | 1 50 |
| Twenty three, - | 334.7 | 185.2 | 1 25 | 75 | 1 50 |
| Twenty four, - | 336.6 | 280. | 1 25 | 100 | 1 50 |
| Twenty five, - | 322.3 | 201. | 1 25 | 50 | 1 50 |
| Twenty six, - | 320.9 | 121.2 | 1 25 | 25 | 1 50 |
| Twenty seven, - | 306.5 | 306.5 | 1 25 | 50 | 1 50 |
| Totals, - - | 8,841.9 | 5,129.6 | – | 1,295 | |

SCHEDULE A—Continued.

| SECTIONS. | Excavation in cubic yards. | Price per yard. | Extra excavation. | Price per yard. | Embankment in cubic yards. | Price per yard. |
|---|---|---|---|---|---|---|
| No. | Yards. | Cts. | Yards. | Cents. | Yards. | Cts. |
| One, - - - | 6225 | 13 | 3440 | 15 | 6225 | 13 |
| Two, - - - | 4075 | 13 | 2425 | 15 | 4075 | 13 |
| Three, - - | 2797 | 13 | 3453 | 15 | 2797 | 13 |
| Four, - - - | 4480 | 13 | 1611 | 15 | 4480 | 13 |
| Five, - - - | 4524 | 13 | 3806 | 15 | 4524 | 13 |
| Six, - - - | 6139 | 13 | 4362 | 15 | 6139 | 13 |
| Seven, - - - | 4307 | 13 | 4338 | 15 | 4307 | 13 |
| Eight, - - - | 3892 | 13 | 2853 | 15 | 3892 | 13 |
| Nine, - - - | 4034 | 13 | 3695 | 15 | 4034 | 13 |
| Ten, - - - | 3502 | 13 | 3522 | 15 | 3502 | 13 |
| Eleven, - - | 3668 | 13 | 798 | 15 | 3668 | 13 |
| Twelve, - - | 3230 | 13 | 5208 | 15 | 3230 | 13 |
| Thirteen, - - | 5738 | 13 | 5157 | 15 | 5138 | 13 |
| Fourteen, - - | 7103 | 13 | 561 | 15 | 7103 | 13 |
| Fifteen, - - | 2486 | 13 | 3747 | 15 | 2486 | 13 |
| Sixteen, - - | 4596 | 13 | 1595 | 15 | 4596 | 13 |
| Seventeen, - - | 1778 | 13 | 6993 | 16 | 1778 | 13 |
| Eighteen, - - | 3469 | 13 | 4875 | 15 | 3469 | 13 |
| Nineteen, - - | 5755 | 13 | 6045 | 15 | 5755 | 13 |
| Twenty, - - | 4041 | 13 | 2820 | 15 | 4041 | 13 |
| Twenty one, - | 4017 | 13 | 4290 | 15 | 4017 | 13 |
| Twenty two, - | 3147 | 13 | 6558 | 15 | 3147 | 13 |
| Twenty three, - | 5608 | 13 | 3494 | 15 | 5608 | 13 |
| Twenty four, - | 2977 | 13 | 3804 | 15 | 2977 | 13 |
| Twenty five, - | 4281 | 13 | 1499 | 15 | 4281 | 13 |
| Twenty six, - | 4317 | 13 | 1909 | 15 | 4317 | 13 |
| Twenty seven, - | 3615 | 13 | 3778 | 15 | 3615 | 13 |
| Totals, - - | 113201 | – | 96636 | – | 113201 | |

SCHEDULE A—Continued.

| SECTIONS. No. | Bridges, span of Feet. | Price lineal foot. Dolls. | Masonry in abutments. Per | Price. Dolls. | Excavation, abutm't pits. Cents. |
|---|---|---|---|---|---|
| One, | | | | | |
| Two, | | | | | |
| Three, | | | | | |
| Four, | | | | | |
| Five, | | | | | |
| Six, | | | | | |
| Seven, | | | | | |
| Eight, | | | | | |
| Nine, | | | | | |
| Ten, | | | | | |
| Eleven, | | | | | |
| Twelve, | | | | | |
| Thirteen, | | | | | |
| Fourteen, | 30 | 4 00 | 85 | 2 00 | 100 |
| Fifteen, | | | | | |
| Sixteen, | | | | | |
| Seventeen, | | | | | |
| Eighteen, | | | | | |
| Nineteen, | | | | | |
| Twenty, | | | | | |
| Twenty one, | | | | | |
| Twenty two, | | | | | |
| Twenty three, | 30 | 4 00 | 85 | 2 00 | 100 |
| Twenty four, | | | | | |
| Twenty five, | | | | | |
| Twenty six, | | | | | |
| Twenty seven, | | | | | |
| Totals, | | | | | |

SCHEDULE A—Continued.

| SECTIONS. No. | Price. Cts. | Stoning roadway. Perches. | Price per pole. Dolls. | Rock excavation. Yds. | Price. Cts. |
|---|---|---|---|---|---|
| One, | – | 320. | 10 | | |
| Two, | – | 324.2 | 10 | | |
| Three, | – | 321.2 | 10 | | |
| Four, | – | 324.6 | 10 | | |
| Five, | – | 345.4 | 10 | | |
| Six, | – | 348. | 10 | | |
| Seven, | – | 333.3 | 10 | | |
| Eight, | – | 321.2 | 10 | | |
| Nine, | – | 342.4 | 10 | | |
| Ten, | – | 315.1 | 10 | | |
| Eleven, | – | 327.2 | 10 | | |
| Twelve, | – | 351.5 | 10 | | |
| Thirteen, | – | 327.2 | 10 | 1485 | 25 |
| Fourteen, | 20 | 327.2 | 10 | | |
| Fifteen, | – | 318.1 | 10 | | |
| Sixteen, | – | 321.2 | 10 | | |
| Seventeen, | – | 315.9 | 10 | | |
| Eighteen, | – | 322.6 | 10 | | |
| Nineteen, | – | 323.8 | 10 | | |
| Twenty, | – | 373.9 | 10 | | |
| Twenty one, | – | 296.9 | 10 | | |
| Twenty two, | – | 320. | 10 | | |
| Twenty three, | 20 | 336.7 | 10 | | |
| Twenty four, | – | 334.6 | 10 | | |
| Twenty five, | – | 322.3 | 10 | | |
| Twenty six, | – | 320.9 | 10 | | |
| Twenty seven, | – | 306.5 | 10 | | |
| Totals, | – | 8841.9 | | | |

SCHEDULE F—Continued.

| SECTIONS. No. | Estimate of each section. Dolls. Cts. | REMARKS. |
|---|---|---|
| One, | 5,807 75 | Marked on oak, 3 feet off. |
| Two, | 5,070 50 | do. on dead black jack. |
| Three, | 4,896 17 | do. on oak. |
| Four, | 4,855 70 | do. on scrub oak, 3.8 off. |
| Five, | 5,457 89 | do. on hickory stake, 20 ft. left. |
| Six, | 5,940 44 | do. on black jack, 6.1 off. |
| Seven, | 5,349 61 | do. on black jack, 20.4 ft. off. |
| Eight, | 5,090 87 | do. on oak, feet R. H. |
| Nine, | 5,268 34 | do. on stake, near widow Stahl's. |
| Ten, | 4,708 32 | do. on black jack, 12 feet R. H. |
| Eleven, | 4,353 50 | do. on large stake. |
| Twelve, | 5,517 75 | do. on per., bar. S. 76½ E. 158f. R.H. |
| Thirteen, | 6,273 18 | do. on pin oak, 17 feet off. |
| Fourteen, | 5,996 93 | do. walnut in field, bar. N 38½ W 25.8 off. |
| Fifteen, | 4,615 31 | do. stake, between 2 cabins, in line. |
| Sixteen, | 4,850 33 | do. stump in field, 13.5 ft. off. |
| Seventeen, | 4,905 23 | do. black jack, 9.2 off. |
| Eighteen, | 4,896 69 | do. percimmon, 8.6 left hand. |
| Nineteen, | 5,991 55 | do. oak, in old road. |
| Twenty, | 5,719 03 | do. oak in Frank'n, br. N 51½ E 29, L. |
| Twenty one, | 4,785 29 | do. at Joel Hudspeth's. |
| Twenty two, | 5,423 37 | do. oak. |
| Twenty three, | 6,003 18 | do. post oak. |
| Twenty four, | 5,190 62 | do. percim'n, br. S 56 W, at Boyesau's. |
| Twenty five, | 4,887 16 | do. in Capt. Alderson's field. |
| Twenty six, | 4,806 77 | do. post oak, 27.8, R. H. |
| Twenty seven, | 5,029 72 | do. black jack, at Tennessee line. |
| Totals, | 141,691 20 | |

Length of line, 27.63 miles.

| | |
|---|---|
| Average estimate per mile, | $5,128 16 |
| Add 7 per cent., | 359 00 |
| Total per mile, | $5,487 16 |

RECAPITULATION.

| | |
|---|---|
| 113,201 yards excavation at 13 cents, | $14,716 13 |
| 113,201 yards embankment, at 13 cents, | 14,716 13 |
| 96,636 yards surplus excavation, at 15 cents, | 14,494 19 |
| 5,129.6 poles grubbing, at $1 25, | 6,412 30 |
| 1,295 perches of masonry, at $1 50, | 1,942 50 |
| 2 bridges, 30 feet span each, at $4 00, | 240 00 |
| 170 perches masonry in abutments, at $2, | 340 00 |
| 1,485 yards rock cutting, at 25 cents, | 371 25 |
| Excavation abutment pits, | 40 00 |
| Stoning roadway, 8,841.9 poles, at $10, | 88,419 00 |
| | $141,691 20 |
| Add 7 per cent for contingencies, | 9,918 38 |
| Total estimate, | $151,609 58 |

## REPORT *on the Bardstown and Glasgow Turnpike Road.*

ENGINEER'S OFFICE, *December* 1, 1838.

SIR:

The following report is made in pursuance of your instructions, as to the work done on the Bardstown and Glasgow turnpike road.

The length of this road is 67 miles.

The maximum grade is one in 28.65 feet, or two degrees.

The width of ground occupied by the road, is sixty feet.

The width of the grade on level lands, and on hill sides sloping less than 20 deg. is forty feet clear of the side drains. On hill sides sloping above 20 deg., the grade is only thirty feet clear of the ditches, or drains.

The work is done in the following manner:

Grubbing and clearing, where the surface of the ground was less than three feet below the grade or plane of the surface of the road; all trees, stumps and roots, were grubbed out, and removed from the surface of the road bed, and all timber or other perishable matter removed before the embaakments were put on. Where the natural surface was more than three feet below the surface of the road bed, the trees are cut off on a level with the surface of the ground, and removed from the road bed; where the natural surface of the ground is above the grade and grubbing, on the space to be occupied by the road bed, the grubbing was done generally before the grading was commenced, and likewise removed; all the trees not necessarily grubbed, and which stand within thirty feet of the centre line of the road,

are felled or cut down on most of the line, and the stumps are not left more than two feet high.

*Culverts.*—The pits of the culverts have been excavated, where the ground would admit of it deep enough to obtain a solid rock foundation for the wall, and wide enough to leave a space of one foot between the sides of the pit and the outside of each side wall. Where a rock foundation could not be obtained, the pits were generally excavated down, so that the bottom at the lower side of the road is not less than eight inches below the natural surface of the ground; where the descent in the pits have an inclination of more than one in thirty feet, a cross wall has been built under the bottom of the lower end, deep enough to prevent the water from undermining the lower end of the culvert, they generally extend two feet beyond the side walls.

The foundations of the culverts, where the bottom of the pits are common earth, gravel, &c., are made of a pavement formed with flat stones, eight inches deep, placed edgewise, in lines across the bottom of the pit. The part of the pavement that forms the bottom of the vaults have been made so as to form a concave surface, the curve of which is generally in its versed sine two tenths of the width of the chord of the culvert; under the walls, the pavements have a plane surface. At two points, a timber foundation was found necessary, the ground on which the culverts were to be built, being too soft and compressible, formed of timbers eight inches deep, and from eight to twelve inches wide, laid side by side, crosswise of the culvert; the timbers were hewn on the top and bottom, and the culvert walls began on these timbers. Sheet piling was not considered necessary, as the branches had but little descent. All the culverts are less than six feet span, and are built of rubble stone, laid without mortar; they are generally two feet in their spans; the side walls are two feet thick, and built up vertically on both sides, to the bottom of the upper course of stone, and then covered with thick, strong flagging, long enough to lap one foot on each side wall; in some cases, a thick course of masonry on each side wall, at the top, has been laid so as to project over the side walls from three to four inches, thereby reducing the span to 18 inches, and then the whole is covered with flags, as before. In culverts of from three to four feet span, the side walls have been built 2½ feet thick, and two to three feet high, when the culvert flue is reduced, as in the two feet culverts, by letting thick courses of masonry project over alternately, until the span is reduced to a foot or 18 inches, then the whole is covered with flag stones, not less than six inches thick; they are generally from eight to nine inches. There are no culverts over four feet spans, and no arch culverts.

The culverts are built so long in the transverse direction of the road, as the net width of the graded surface of the road bed, and three times the depth of the fill over the culvert, or so as to entirely protect the embankments from abrasion, where the water leaves the mouth of the culvert.

After the culvert walls have been built, in most cases, the one foot ditch between the outside of the back of the culvert walls and the natural ground, have been filled with gravel, or stone chips. Each culvert has a wall at both ends, which is of the full height of the side walls, extending out two to three feet at right angles, to the back of the ends of each culvert wall; where this precaution has been taken, the culverts and banks are all well secured; in a few instances only, it has been neglected, and steps have been

taken to secure them, before the road is paid for. In a few places, the gravel and stone chips have been neglected, owing to the depth the culvert pit was sunk below the natural surface, and the scarcity of the material to fill up the space; yet they appear to stand well. The culverts are all built, except on about two miles of this line of road.

In a few points, well culverts, or a culvert with vertical shafts have been required; on the Beech Fork Hill, Landing Run Hill, and Muldrow's Hill, they are well constructed, and the tops are all covered with gravel, or broken stone, so as to prevent the water from undermining the culverts.

*Excavations.*—In excavating upon this line, it has generally been found that the banks will stand at a slope of one to one or forty five degrees; at a few points, in approaching Green river, sandy loam was passed. In this soil, slopes of one and one half to one have been used, or the banks are left to slope at angles of about 33½ degrees. In rock excavations, the banks are left as nearly vertical as the workmen can leave them, and they are so cut, as to present a tolerably even surface.

The excavations are generally lighter than on turnpike roads in Kentucky. Some heavy, expensive work occurs on the following sections: The two first sections which pass the Beech Fork Hills; the 8th and 9th sections in passing the Landing Run Hills, in part; also, the 12th, in passing Price's creek and the Blue Knob. At this last point, an excavation is made thro' slate and iron ore, twenty one feet deep, on an average length of one hundred yards; also, on the 21st section, in passing Muldrow's Hill. This section is about one and one fourth miles long, and the natural surface of the hill side slopes on an average, at angles of from twenty to thirty degrees; three fourths of this distance, the road bed is cut out of the solid rock, the hill side being so steep as to prevent an embankment from standing; and frequently, on the hill side of the road, a perpendicular stone face is presented, varying in height, from twelve to twenty feet. The next heavy work occurs at the two sections which pass the Green river; they are similar to Muldrow's Hill, not cutting so much stone; thence to Beaver creek, two miles from Glasgow; the excavations are light, in passing over the dividing ridge between Beaver creek and Glasgow; some heavy work has been done.

*Embankments.*—The embankments made with common earth have generally assumed slopes of one and one half to one or 33½ degrees; those made in the sandy soil, in passing Lynn Camp creek, are taking slopes of about two to one. The embankments are light, except at the approaches to the Beech Fork Bridge; the average depth on the north side, for 500 feet, is seven feet: on the south side of Green river, for 1,000 feet, it averages nine feet, and at the Rolling Fork, on the north side, for 1,000 feet, four feet deep. At the other small bridges, not more high than usual, the embankments at the Beech Fork, Rolling Fork for 200 feet on each side, and at all the smaller bridges are finished, except four. Price's creek and Knob creek, at three bridges, which pass the forks of the creek.

Since the first contracts were made, a large embankment has been advised on the north of Green river, by the Chief Engineer, to avoid a circuitous approach to the Green river bridge—reported to me, by the President, Col. B. Doom, to cost near the sum of $4,000.

*Road Bed.*—The graded surface of the road bed is made horizontal in its transverse section; the ramp or inclination of the road has generally been made according to the field notes, none exceeding two degrees; the depth

of the ditches is fifteen inches below the surface of the roadway; they are from three feet to five feet wide at top, and one foot wide at bottom. The drains all lead either into a natural channel, sunk, or are passed under the road bed through a culvert, which leads to a natural outlet; no water being permitted to pass over the road, under any circumstances. There will be but few points that will require retaining walls to protect the embankments; in a few instances, rip rap walls have been used.

The company have not used a roller to compress the embankments as yet; they are now having some prepared, under my directions; one is finished, consisting of two wooden wheels of three feet diameter, ironed with bands three eighths of an inch thick, and twenty inches wide on the face; they are connected after the manner of an ox cart; a body is attached, which can be laden with stone, to give the roller the necessary weight, which is from two to three tons. In future, all the green or newly made banks are to be well rolled with this roller, and if the banks have settled below the proper grade after rolling, are to be raised by carting on a sufficiency of earth to bring the road to a proper grade. One of these rollers will be required to each 20 miles of road. In most cases, where the banks had been made in the winter of 1837 and 1838, the rolling would have been but little use, as the embankments would have been well settled.

Fifty five miles of this road are graded, and the grade ready to receive the stone; the whole work is progressing, and the grading is all expected to be closed by the first of June next.

*Metal of the road.*—This road is under contract for two descriptions of stoning. The wide grade is to be stoned only fifteen feet in width; the narrow grade, 18 feet in width. The first seven and one half inches is to be paved on one side of the road bed, beginning at a point 2½ feet from the side drain, with hard, compact limestone, or other strong stone that is approved by the Engineer or superintendent; the pavement to be formed of conical shaped stones, set firmly and closely together at their base on the road bed; the joints to be well broken, and closely fitted together; the stones to be the full depth of the pavement, and the height not made up by splicing, or setting one stone on the top of another. The flat or large ends of the stones next the road bed are so broken, as not to exceed one foot on the base, in length, and six inches in thickness, with the conical end up; the upper end of no stone presents a surface of more than two inches in thickness, or eight inches in length, so as to leave the upper surface open; the interstices of this pavement are then well filled with broken stone and stone chips, placed in by hand, so that all the cavities are smoothly filled up, to the top of the points of the paving stones. This pavement is examined in all instances, before the second courses of stone is laid. The stones for the second course are broken into particles not exceeding, by contract, five ounces, (in some cases they are larger;) they are hard, strong stone, and kept free and clean from dirt. On this road, they are broken on top of the pavement, and are troublesome to spread and keep even; the banks are broken up with pecks, and the large and small stones are well intermixed; where this is not done, the road will not wear smoothly. I have taken means and given directions to avoid any difficulty on this variation of the contract, which requires the stone to be broken off the road bed; this broken stone averages five inches in depth, and is spread so as to leave the surface of the stone roadway an ellipse, the semi-conjugate diameter of which

will be 4½ inches, and the transverse equal to the metaled part of the road. After the stones are leveled, the stone roadway is to be rolled with the same roller above described, (no rolling has yet been done,) to the extent that the Engineer or superintendent may direct.

*Ditches, Drains and Culverts, with summer roads.*—After the stone roadway is finished and rolled, as above directed, the ditches, culverts and drains are all to be cleared out, so as to give a free passage to the water; the earth removed from them, and the sloping of the banks will be placed on the summer road, so as to raise it up as high as the top of the pavement, and leave it in a regular elliptical form; the pavement and protection between the edge of the drain on one side, and the pavement on that side will occupy 17½ feet on wide grades, and leave the summer road 22½ feet wide.

Each contractor, by contract, is to leave at intervals of one hundred feet, a block, or piece of wood, sufficiently large to obstruct the passage of waggons—the points to be selected by the superintendent or Engineer; so that they can be moved, and force the travel to wear the road into a smooth, even surface. When this is done, the road is delivered to the company.

So soon as the travel is permitted to pass on the road, a man for each ten miles will be required, to keep the stone road raked smooth and even, and fill up any breaks in the summer road; to clear the drains of all obstruction, so as to leave the road bed free from the effects of water standing on it.

miles of this road are stoned, but only two miles are in a situation to be received.

*Bridges.*—The bridge over the Beech Fork has a span of 200 feet; will finish about 214 feet in the clear, from the end of one facade to the other; has a double roadway, each 13 feet in the clear. The abutments are placed on timber foundations; the pits were excavated to a hard black gravel, to a depth of about four feet below low water plane. The foundation is made in the following manner: Beech and white oak timbers were procured, in all 24 feet in length, and hewn flat on two sides, then well laid, so as to project out beyond the face of the abutment, four feet on the face and back, at right angles to the face of the abutment; this timber plat was laid so as to extend out four feet below and four feet above the upper end of the abutments. A second course of timber of the same size, was laid side by side, crosswise of these, and parallel to the face of the abutment; the face of the first timber in the second course, was so placed as to extend out six inches beyond the face of the abutment, and was procured fifty eight feet long, so as to extend out beyond the ends of the abutment, four feet at each end, or far enough to cover the timbers in the lower course; the other timbers were laid parallel, and in contact with this, and the ends extend out at least four feet beyond the ends of the abutment; each timber in the upper course is fastened to the timbers below them, by two inch locust pins, put in, in the proportion of one pin to every four timbers in the lower course, and are so arranged, that about an equal number of pins are driven into each of the lower timbers.

The foundations of the wings are made of one course of timber, each piece long enough to extend out beyond the face of the wing on each side, at least four feet; these timbers are hewn, and laid close together, and parallel to the radius of the curve of each wing wall; (the contract required this single course to be covered with three inch oak plank, laid transversely with the timbers, and secured with spikes or pins.) This was omitted before I had

charge of the work—the contractor believing the foundation did not need it. No piling has been necessary on this road.

These abutments are 43.3 feet high, measured from the plane of low water to the bottom of the chords of the bridge; 52.8 inches long, measured on the same plan; and thirty eight feet, measured on a line with the bottom of the chords; twelve feet thick, measured on a level with the bottom of the chord, and 15⅔ feet, measured on the plane of low water.

The wing walls, measured on a level with the bottom of the chord, are 12 feet thick, where they join the abutments, and six feet thick on the same level, at the distance of 20 feet back from the abutment, and the same thickness thence to the end of the wall. The face of the abutments batters both above and below the water, one inch to every foot in height; the ends of the abutments and outer face of the wing walls, batters two inches to every foot in height; the back of the abutment and wing walls are vertical.

The walls are of coursed rubble masonry; the stretches have beds not less than 18 inches, and are at least two feet in length on the face. The headers are fully two feet wide on the face, and are not generally less than four feet long. The backing stones are of large sizes, and generally present two parallel faces for beds; they are large, and contain not less than five cubic feet. The headers are placed, in each course, in the face of the walls, at intervals of not more than eight feet, measuring from centre to centre; and a header is placed in the back of the wall, opposite the middle of the space between every two headers in the face; long stones have been placed across the interior of the wall, in such manner that they do interlock with the headers in the face and back, so as to bind the whole wall together.

The headers and binding stones are so placed, that those in any one course are over the middle part of the space between the headers or binding stones in the course below.

The stones which form the first and second courses next below the *skew backs* in the face of the abutments, have their beds and joints cut, and the upper beds are prepared (as shewn on the drawings of the bridge planes,) and fitted to receive the stones of the next course above. The skewbacks, or stone, which receive and support the ends of the bridge arches, are thirty inches thick, and are four feet wide or long on the inferior bed; they batter on the face, as do also the other stones which make up the course, one and one half inches to each foot rise; the bottom of these stone are set back from the plane of the face of the abutment, six inches, so that a recess, is formed in the face of the wall, 6 inches deep at the bottom, and 9½ inches at the level of the bottom of the chord, and thirty one feet long; the back of each of the large stones which receive the ends of the arches and bottom of the quinn posts, has an even vertical bed prepared to receive the cast iron shoes, in which the arches and quinn posts are placed, at their ends. These stones, next back of the skewbacks, are thirty inches deep, and from two to three feet wide, and the beds of the joints are cut smooth and even; so that, when placed in the wall, they make close joints, and give support to the skewbacks, and prevents their yielding to the pressure of the arch; these stones are so connected with the masonry of the common wall, as not to reduce its strength.

*Coping of the Wings.*—The manner of finishing the wing walls and parapets, have not been fixed by the local board.

The wings and abutments above and below the water surface, are laid in common lime and sand mortar.

*Timber Superstructure.*—The cap pieces of the truss frame are procured of yellow poplar: they are ten by fifteen inches square; they are so long as to require six splices; the mortices which receive the tennons of the king and queen posts, are ten inches, and three inches wide, and equal in length to the head of the king or queen posts, which is 14½ inches.

The chords are made of the best kind of white oak timber; they have been cut in lengths varying from thirty to fifty four feet; they have been cut and sawed open about four months, and are partly seasoned; they are 14 inches deep, and 7 inches wide; the notches on the inner side, to receive the queen and king posts, are one and one quarter inches deep, and as wide as the foot of the post (14½ inches.) The splices are made so that those in the line of timbers on the one side of the king and queen posts, are opposite to the middle of a timber in the line on the other side; the splices are made by cutting away the even face of the timbers, to be spliced one and one fourth inches on a distance of two and one half feet on each piece, and inserting a piece of well seasoned white oak timber, fourteen inches wide or deep, five feet long, and thick enough to fill the space between the splice timbers, cut away as here described, and the other line of chord timbers, which thickness is five and one half inches; the splice is then to be secured with eight screw bolts—four in the end of each timber.

*King and Queen Posts.*—The king and queen posts are cut and delivered, of yellow poplar, except the six at the ends of the bridge, which rest in the skewbacks; they are of white oak.

The king posts are 9½ by 18 inches square, and long enough to allow for a tennon of 10 inches at the top, and to extend 15 inches below the bottom of the chord; (this length is 17 feet 6 inches.)

The queen posts are 9½ by 14 inches square, and have the same length of tennon at the top, and extend below the chord the same distance at the bottom; the middle part of the posts below the joggle joints, are cut away to 9½ inches square; the notches at the bottom of the king and queen posts, that receive the chord timbers, are one and a half inches deep, and are so cut as to interlock with, and make close joints with the notches in the chords, and so that the posts have the inclination from a perpendicular, at the ends of the bridge, of one and a half inches to each foot in height.

The tennons at the top of the posts are ten inches long, three inches thick, and equal in width to the width of the posts, which is 14 inches in the queen, and 18 inches in the king posts.

The queen posts, on one side at the top, and on the opposite side at the bottom, are cut away four inches, to form the joggle joints.

The braces in the truss frame are poplar, 8 by 9½ inches square, and of the length represented in the drawings, ( feet;) the joint between the braces and head and foot of the posts, are made by cutting a plane face upon the side of the post, and a corresponding plane face upon each end of the brace, and they are to be put together without mortice or tennon; each end of the brace is to be secured to its place by a spike, three quarters of an inch square, and fourteen inches long.

The arch timbers or segments are 13 inches deep, and 7 inches wide, of poplar; they are curved, the smallest arc to a radius of 318.2 feet, and the pieces are generally cut so long as to reach three queen posts, or about 22 feet; the splices are made by a half lap joint at the posts, placed so that the screw bolt passes through both pieces of timber; the splices are

so arranged, that two do not come upon the same king or queen post. The foot of the arch timbers, together with the foot of each queen post, which comes below the bottom of the chord, are to rest against a cast iron shoe, placed between the timber and the skewbacks. This shoe has flanges on the sides, bottom and top, to confine the arch timbers, and prevent them from splitting.

In raising the bridge, the chord timbers are raised or curved upwards about 5 inches, to allow for the compression of the joints in the braces, and in the shrinkage of the arch timbers and posts, by seasoning.

In putting up the truss frames, the chord timbers are laid first, and the king and queen posts fitted between them, so that the notches in the posts and chords form a locked joint, which is secured by one screw bolt, in the bottom of each post. The cap timbers are then put on, and fitted to the top of the posts with a notch in the bottom of the cap, to receive the head of the post, with a mortice to receive the tennons of the king and queen posts. The tennons are made to fit so closely in the mortices as to require the cap to be driven down with a ram; the braces of the truss frame are then put in, and fitted in the joggles, and secured at each end with a spike, three quarters of an inch square, and 14 inches long, driven through the end of the brace, into the head of the post; the straining pieces are made of white oak plank, 8 inches wide, and 2 inches thick, and long enough to fill the space between the posts. The straining pieces are to be spiked to the bottom of the cap.

The truss work being raised, the keys and wedges under the chords are loosened, so as to allow the truss frame to settle, and brings the strain on the braces; the arch timbers will then be put on, and secured to the truss frame by one screw bolt in each segment, to pass through each king and queen post, or brace, and through the opposite segment. The ends of the arch timbers will each rest against a cast iron shoe, 30 inches long from outside to outside, and 28 inches deep; this shoe has a flange on all sides to receive the ends of the segments and the queen posts; the ends of the segments are to be fitted in this flange.

The cross beams are 8 by 10 inches square; they are notched on to the cap pieces 4 inches, and secured by a spike $\frac{3}{4}$ of an inch square, and 14 inches long. The cross beam, where the top braces cross it, is cut away 4 inches; the braces are put together by cutting a notch 2 inches deep in each, so that, when put in place, their upper surfaces are on the same level, and on a level with the top of the cross beam; the ends of the braces are secured in the sides of the alternate cross beams, by making a mortice in the side of the beam, two inches below the top, to receive the beveled end of the brace, the point of which is cut off, so as to present a face parallel to the side of the wedge; this mortice is 3 inches wide. A mortice 3 inches square is made through the cross beam, at the end of the brace, to receive the wedges, two of which are to be driven into it, one from each side; the braces are made long enough to project a little beyond the mortice, so that when the wedges are driven, they press against the ends of the brace; the braces are 5 inches wide, and 4 inches deep.

The bearing beams are suspended from the cap by iron rods, so as to leave a space of 1 inch between the bottom of the beam and the top of the chord. The rod is 1 inch square, and passes through the centre of the cap and brace, and the middle of the bearing beams, two rods to each beam, one in each

end. A washer, 4 inches square, of cast iron, is put on each end of the suspension rod, to prevent the keys from sinking into the timbers; a mortice through each end of the rod, through which the key passes, is an inch and one half long, and three sixteenths of an inch wide; is one inch and one half from each end of the rod; the key is made three sixteenths of an inch thick, and one inch wide at one end, and one and a half inches at the other, and 5 inches long.

The bearing beams are put in on the side of the queen post, opposite the lower joggle joint; each beam will be fastened to the queen posts, by three screw bolts. The lower braces will be put in and secured to the bearing beams, in the same manner that the upper braces are secured in the cross beams; where the braces cross each other, they will be secured to the middle of the bearing beam, by a spike one half inch square and 10 inches long.

*The Floor Joists* are 4 inches wide, and 8 inches deep; there will be five lines under each roodway.

The floor plank, of oak or beech, are 13 feet long, and 3 inches thick; they will be partially seasoned, and laid with close joints. A line of plank, 3 inches thick and 8 inches wide, will be placed along over the ends of the floor plank, and be fastened down with one and one fourth inch locust pins, driven through the floor planks into the joists, put in, in the proportion of two in each end of each floor plank.

*Anchor Irons.*—An anchor iron, 1 inch thick, and 3 inches wide, and 4 ft. long, about four inches of one end of which will be bent, so as to be at right angles with the main bar, is placed in each end of the abutments, between two of the courses of masonry, about 9 feet below the top of the abutment; the bar is placed so that the bent end will turn upwards; this end stands out from the face of the wall $3\frac{1}{2}$ inches; it has a hole $1\frac{1}{2}$ inches square, in the middle of the bar, and two inches below the end to receive the end of the stay rod; the lower end of the stay rod is bent, so as to pass through, and be secured with a key in the ends of the anchor irons.

The stay rods, which will be placed, one at each corner of the bridge, is an inch and a quarter square, and long enough to extend from the anchor irons up to the top of the wall (9 feet), where they are bent, thence up through the oak queen post and the cross beam; the end of the rod is made to extend above the beam, 6 inches; a hole is made through the end of the rod, 2 inches wide, and $\frac{1}{4}$ of an inch thick; the keys are large enough to fill the holes; a washer is placed on the end of the rod, 4 inches square, and the keys are driven, one from each side, so that a strain is brought on the rod, in such a manner that it will act as a tie to sustain the frame of the bridge, and prevent it from leaning sidewise.

The rods which pass through the king and queen posts and the cross beam, are $5\frac{1}{2}$ feet long; they have a key hole at each end, $1\frac{1}{2}$ inches long, and 3 sixteenths of an inch wide; the keys are 5 inches long, half an inch wide at one end, and $1\frac{1}{2}$ inches at the other; the rods will or do pass obliquely thro' the queen and king posts and cross beam; they will be put in, so that the ends will reach the top of the cross beam, and the outer face of the queen post; a notch will be cut into the side of the timber, large enough to receive the washer; keys are to be driven into the holes, in each end of the road, so that, by their wedge shape, they will bring a strain or tension upon it, sufficient to keep the bridge stiff, and prevent it from leaning sidewise; the rods at both ends of each beam, will be keyed up at the same time.

A centre plate is to be secured in its place by a spike at each cross beam, three quarters of an inch square, and 19 inches long, to be driven through the plate and the cross beam, into the cap below; the head of each spike will be sunk below the surface of the plate, from 3 to 4 inches. In this plate, posts are framed, at intervals of about 10 feet, to support the centre rafter plate, or ridge pole.

The rafters are 4 inches square, and are placed 3 feet apart, from centre to centre; the sheathing will be ¾ of an inch thick; the shingles are procured of poplar, 18 inches long; they will be put on to show in courses 5 inches.

The studs to support the weatherboarding, will be 3 by 4 inches square, and will be placed 3 feet apart; they will be secured by spikes, to the truss frame of the bridge; the weatherboarding will be ⅞ of an inch square, after it is framed. The ends of the bridge will be finished with a plane facade, constructed with a pediment, supported by pilasters.

The whole outside of the bridge will be painted with three coats of paint, made of white lead and linseed oil. The roof will be covered with a thin whitewash of lime, put on at three or four different times.

*Rolling Fork of Salt river Bridge.*—This bridge is 176 feet span, and is built, in all respects, as the bridge over the beech fork, except the framing of the chords, and queen and king posts; the chords and posts are so cut, as to leave a space of only 1 inch between them, instead of 5, as in the above bridge. The abutments are 31.4 feet high, and the bridge is placed six feet above high water mark, and built as the abutments at the Beech Fork bridge, on rock foundations.

*Green river Bridge.*—This bridge is 200 feet in its span, and is built or contracted to be built as the Beech Fork bridge, in all respects. There is but one abutment required; that is built or building on a grillage foundation, placed in as those at the Beech Fork; it will be 52 feet high. There is a natural limestone cliff on the north side, which affords a fine site for a bridge, and forms one abutment of the bridge. These three bridges, with the abutments, are building, by Morehead, Carothers & Co. The truss frame and abutments at the Rolling Fork, are up, and out of the reach of high water. At the Beech Fork, the abutments, with the exception of a small portion of each wing wall, are finished, and the contractors are now engaged in raising the truss frame of the bridge. It is expected that it will be secured by the 10th of the present month. At Green river, the abutment is about 40 feet high, and the contractors busily engaged in the progress of the work. The chords, king and queen posts, caps, and portions of the other timber of the bridge, are being procured. These contractors are in all respects faithful, and in most cases fully executing their work up to the specifications prepared under the immediate directions of the Chief Engineer of Kentucky. The bridges are of the first class, equal, if not superior, to any in the western or middle States; they expect to complete them by the first of June next.

The bridge of 60 feet span, over Beaver creek, is built on a plan, with a single roadway, in all respects similar to the Beech Fork bridge; the abutments are also of like stone masonry, and thirteen feet high. Messrs. Boone & Hall are the contractors; they have their timber on the ground, and well seasoned; the whole is in a full state of progress.

There are eleven other open bridges over the following water courses, and of the following spans: One over Landing Run, 40 feet span; a branch of

Price's creek, 16 feet span; Price's creek, 30 feet span; south fork of Price's creek, 30 feet span; three of 20 feet span, over the forks of Knob creek; a 30 foot span over the north fork of Nolin; a 30 foot span over the south fork of Nolin, and a 12 foot span over the south branch of the south fork of Nolin. These bridges are all open; all supported on well built stone abutments, raised so as to be clear of high water; they have 7 string or chord pieces; those of 12, 20, and 30 feet spans, are hewn 8 by 12 inches square at the ends, and 8 by 16 inches in the middle of each string; and are thence to the ends, reduced in a regular semi-elliptical form; the floors are laid with 6 inch oak timber, and secured to the string pieces by 1¼ inch locust pins, one in each end of each floor plank. The sides are protected by a plain, neat side railing, about 3½ feet in height, each; parapet walls are built, or building, at each side or end of the bridges, to the height of 3 feet 4 inches, and 2 feet thick.

The 40 feet open bridges have 7 chords or string pieces, and are 8 by 12 inches at the ends, and 8 by 18 inches in the centre; of a regular semi-elliptical shape; the floor and sides finished as the 50 feet span. These bridges are all included in the price per lineal pole for constructing the road bed.—Schedule A, will shew the cost of each particular portion of the work, with the amounts paid for each, as reported to me by the superintending Engineer, George W. Shields, Esq. The manner in which this whole work is executed, is highly creditable to him, as a young Engineer—he having had the direction of it.

The State and company are under many obligations to the president and managers, for their fidelity, and particularly to the President, B. Boone, Esq., who has regularly visited the line from once to twice per month, since the commencement of the work.

The contractors are generally faithful and industrious, and are engaged in the execution of their several contracts.

I confidently assure you, and the board, that if the necessary State aid is furnished, by mid-summer next, the whole line will be completed, so far as now under contract, from Bardstown to Glasgow, and ready for fully being opened to the public travel; all the toll gates may be erected by Oct. next.

The estimated cost of this road, as now under contract, is $321,000, including bridges. The work not under contract, is for stoning 31 miles of road, estimated to cost $125,000. This sum, added as above, to the work under contract, the aggregate cost of the whole work, without

| | |
|---|---|
| contingencies, - - - - - - - - - | $446,000 00 |
| Add 5 per cent. for contingencies, - - - - - | 22,300 00 |
| Grand total cost, - - - - - - - | $468,300 00 |

HENRY J. EASTIN,
*Resident Engineer,*

To SYLVESTER WELCH, Esq.,
*Chief Engineer of Kentucky.*

## Report *on the Louisville Turnpike Road.*

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Engineer's Office,
*December 1st*, 1838.

Sir:

This report gives in detail the condition, length, dimensions and cost of the Louisville Turnpike Road.

This road is from the south west boundary of Louisville to the Tennessee State line, 145.63 miles, and is estimated to cost the aggregate sum of $981,282 38.

This work is divided into four division as follows: From Louisville to Elizabethtown is 44.5 miles, estimated to cost the following sums:

| | | |
|---|---|---|
| Finished in Jefferson 5 miles, - - | $30,141 65 | |
| Finished in Hardin 7 miles, - - | 32,500 00 | |
| Under contract in Jefferson, - - | 50,798 58 | |
| Under contract in Hardin, - - | 104,475 00 | |
| Not under contract in Jefferson, - - | 114,880 50 | |
| Not under contract in Hardin, - - | 3,160 50 | |
| | | $335,956 23 |
| The second division is 49.54 miles long, extends from No. 1 to Bell's—and costs as follows: | | |
| Under contract, - - - - | 124,977 44 | |
| Not under contract, - - - | 206,388 79 | |
| | | 331,366 23 |
| The third division extends from Bell's to Bowlinggreen, a distance of 23.94 miles: | | |
| Under contract, - - - - | 121,079 82 | |
| Not under contract, - - - | 45,485 58 | |
| | | 166,565 40 |
| The fourth division from Bowlinggreen to the State line is 27.65 miles, costs as follows: | | |
| Work under contract, - - - | 124,975 97 | |
| Work not under contract, - - - | 22,418 55 | |
| | | 147,394 52 |
| Grand total cost—includes 5 per cent for contingencies, | | $981,282 38 |

That portion of the work in division No. 1, has been completed some two years, was badly graded, and stoned with a stone not well suited to turnpike roads—in part, the stone are good. The road bed is badly drained, and the stone road needs many repairs. There is a toll gate taking toll on the first five miles.

That part under contract, except four miles and a fraction, next the mouth of Salt river, is only to be grubbed, cleared and graded. On this portion of the line the road is sixty feet wide; the graded surface fifty feet wide, clear of the side drains. The four miles next the mouth of Salt river have been under contract for two or three years, and the contractor, Joseph Reed, seems to progress slowly—the residue, being nine miles, is progressing speedily, except one section; the grubbing, grading and masonry, are commenced. That portion not under contract in No. 1, consists of stoning nine miles, at the average cost of $5,000 per mile. The stone will be hard to procure, not unfrequently to haul from one to two and one half miles; also a fractional distance laying between Reed's contract and the mouth of Salt river, and includes the estimated cost of a bridge over Salt river near its mouth.

That portion of the finished work in Hardin county, is first three miles to West Point. This work was built by William Carrico, and as the work next Louisville was badly drained and graded, much expense and labor has been expended in draning this road this fall. The road bed is fifty feet wide—the stone way is sixteen feet—the first six inches are a pavement, the residue, being three inches, are broken stone, weighing about seven or eight ounces; they will consolidate slowly. This road is not first rate but much improved.

The next two miles reach the summit of Muldrow's Hill, this road is graded thirty feet wide so far as finished—it is the original contract of Hamilton and Gibson, which was abandoned by them. The work is now progressing well, having been divided into several small contracts. The stone road way up the hill is to be twenty feet wide, and one foot deep: the first eight inches of conical shaped limestone, and the last four of broken hard stone or limestone, laid on so as to be six inches deep in the centre.

The next 13 miles and 308 poles reach to the five miles put under contract some three or four years since, next Elizabethtown. This work has all been commenced except three miles; it is all in the progress of preparation—much of it has been graded, and the line is generally cleared and grubbed. The contractors are delivering some stone. The culverts are well built. The road is cleared 60 feet in width, and to be graded 40 feet clear of the side drains, and will have a stone road way 18 feet wide, and one foot deep, laid as that up Muldrow's Hill.

The five miles next Elizabeth are all completed except a small part of the fifth mile, which is graded—the width of grade and metal as that in Jefferson and the mouth of Salt river. It needs some culverts and drains to make it a first rate road.

That portion not under contract in Hardin is forty three hundredths of a mile from the Union Hall in West Point to the end of Carrico's contract. I estimate it to cost $3,160 50. It will be difficult to stone, and the contractor must suffer great inconvenience from the travel.

*Division No. 2.*—This work is under contract to a point about ninety poles north of Munfordsville court house. The distance is thirty and sixty three hundredths miles; of this distance eleven and one half miles are to be stoned, and nineteen and thirteen hundredths only graded. The road is sixty feet wide—to be graded forty feet clear of the field and side drains;

the stone road way is to be eghteen feet wide and one deep, as on the part from Elizabeth to Salt river, last put under contract.

The unfinished portions of the grade are in progress; five miles are reported to be graded and ready for the stone, and the stone nearly prepared for that distance—much of this road may be completed the ensuing year. The contractors are progressing with this work, as the President, Mr. James Murray, informs me, as fast as the means of the company will permit.

That portion not under contract, consists of stoning the residue of the distance from Elizabethtown to Munfordsville, and in the whole of the road from that place to Bell's, including the bridge over Green river. The whole, by the surveys and location, estimated to cost, with contingencies, $206,388 79.

*Third Division.*—This line extends from Bell's io Bowlinggreen, a distance of 23.94 miles, of this distance 22.44 miles are under contract—the work has all been commenced and in a full state of progress. The line is chiefly all grubbed and cleared, and the grading and culverts on portions of the line done. The contractors are preparing stone. The road is sixty feet wide, and forty feet are graded clear of the side drains—a field drain will be used when necessary.

That portion not under contract consists of a bridge over Barren river of 200 feet chord, and one and a half miles of road which lays in Bowlinggreen and adjacent to the bridge site, estimated to cost $43,319 60. The bridge and abutments are estimated to cost $25,434 60 of this sum.

*The fourth Division.*—This extends from Bowlinggreen to the Tennessee State line, 27.65 miles; is all under contract, except the stoning of six miles and twenty one poles south of Franklin, estimated to cost $22,418 55.—The work is all, except three miles, progressing, being generally grubbed and cleared—the grading is commenced on many of the sections; also the building of the culverts—and the whole will be in active progress by the first of January next.

The contractors on this part of the work are generally stockholders, and I am informed by the Presidents of both this and the third division, that in the next season they, with the aid of the State, expect to nearly complete those divisions. The maximum grade on divisions No. 1 and 2 is two degrees—on 3 and 4, one in thirty, or 1° 55′.

The work now doing on the whole line is of good quality. Each division has a superintending Engineer: Thos. N. Eastin has No. 1, R. C. Hewit, Esq. No. 2, Loyd J. Berry No. 3, and Robert Aikin No. 4. Thos. Eastin has been engaged for the last four years in road making. Messrs. Berry and Aikin are young gentlemen commencing their profession, and with the necessary aid and instructions will have a good road constructed.

For the divisions Nos. 1, 3, and 4, a roller is ordered to roll the road bed previous to laying the metal, and roll the metal after it is laid.

All of which is respectfully submitted.

HENRY J. EASTIN, *Res. Eng.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

## REPORT *on settling the point at which the Scottsville Road should cross Tennessee line.*

ENGINEER'S OFFICE.
*May 4th* 1838.

SIR:

On the 18th April, 1838, I met the Directors and Engineer of the Gallatin and Nashville Turnpike Road, from the State of Tennessee in conjunction with the President and Directors of the Glassgow and Scottsville Turnpike Road, and after canvassing the different points proposed to join the two roads at the State line. It was agreed that the point fixed by my survey and report of the 9th February, 1838, at a bench mark on an oak at the surface of the grade of the road bed, and in the State line.

The Directors of the Gallatin Turnpike Road have put their road under contract to this point, to be completed for the travel by the 1st of January, 1840, or by the 1st of September, 1841, to have the whole distance stoned, and continuous turnpike road to Nashville. This distance from the State line to Nashville is reported to me by the Engineer of the Gallatin turnpike as forty eight miles, or from Louisville, by way of Bardstown, Glasgow and Scottsville, 190 miles. This distance is from the intersection of Jefferson and Preston streets, in Louisville.

HENRY J. EASTIN, *Res. Eng.*

SYLVESTER WELCH, EEQ.,
*Chief Engineer of Kentucky.*

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## REPORT *on Muldrow's Hill.*

ENGINEER'S OFFICE,
*December* 1, 1838.

SIR:

This report will exhibit the state of the Turnpike Road over Muldrow's Hill.

This work is in three divisions. The first lays between the two hills and is 180 poles in length, it is nearly finished; some work on a small bridge, and the drains, with a portion of small stone, are required—it has been in use for a year—it stands well. At $18 per pole, costs $3,240.

The second division is for the putting on the stone on that portion of the road graded by Smith, 242 poles, at $14 per pole, $3,388. This work has been completed, except the clearing of the road drains.

The last division extends from the end of this work to the south bank of the Rolling Fork, 328 poles at $18 50, is $6,068.

This work is completed with the exception of laying the stone on 42 poles of road, which is expected to be completed by 25th December, instant, this whole work is well executed with a few exceptions, which will be remedied before the work is received. The total cost of this work as contracted to be made, by Henry Saunders and D. Singleton, is, - $12,844 00

Amount paid them, up to 10th October last, - - 6,717 25

Balance due the contractors, 10th October last, - $6,126 75

The length of this contract is 750 poles. The portions made by Douglas, & Co. 8,725 poles, in all 1478 poles, or 4.61 miles, and will cost the sum of $32,493 88.

Under the act of the last Legislature authorizing a bridge to be built over the Rolling Fork—under your directions I attended to a sale of said bridge on the 20th August. The height of the abutments from the plane of low water will be 28 feet. The masonry to be of the best rubble, laid in lime and sand mortar. The span of this bridge is 150 feet, and is to be constructed in all respects as the bridge over the Beech Fork of Salt river, on the Bardstown and Glasgow turnpike road, to which reference is made for the details. The prices to be paid for the work is as follows: For excavation of earth above water, 15 cents per yard. For excavation of earth below water, 40 cents per yard. For excavation of stone or rock, 75 cents per yard. For embankment per cubic yard, 25 cents. For rubble stone masonry per perch of twenty five cubic feet, $3 20. For timber superstructure, with a double road way, per lineal foot $30, to be measured from the outside of the facades, or the entire finish of the bridge.

I have made no alteration in the last estimate of this work, which is $11,679 50. The work was sold at prices a shade above the estimates, the net amount cannot be ascertained until the work is finished.

A specification and contract are filed in the office for your inspection, as executed under an order of the Board of Internal Improvement on the 12th October, 1838, by the contractors, Messrs. Mooreheads. They are experienced contractors—they have commenced their work, and expect to complete it within the coming year.

I have not made a settlement with the gate keeper for the current year, at this work. Since my last report I have collected and paid to the Treasurer of the Sinking Fund $350. There is yet a balance due from John G. Chiles, Esq., as the gate keeper informs me—he is to pay his tolls quarterly; so soon as the proper settlement can be made, it will be reported.

Respectfully,

H. J. EASTIN, *Res. Eng.*

☞ I must again call your attention to the fact that the old road over this hill is still open, and the whole or nearly all the horse travel avoids this toll gate; a law should be passed compelling the old road to be closed.

HENRY J. EASTIN, *Res Eng.*

SYLVESTER WELCH, ESQ.,
*Chief Engineer of Kentucky.*

## Report *on the Franklin county portion of the Crab Orchard Road.*

Engineer's Office,
*March*, 1838.

Sir:

Under an order of the Board of Internal Improvement an examination has been made, and re-survey of the same made on that part of the turnpike road from Franklin county to the Crab Orchard, which lays in Franklin county. The distance constructed by this Board on the late measurement is —— poles; thirty poles of this road also lays in Franklin county, which was constructed by the Anderson county Board of Internal Improvement.

The President of the road, Mr. John Shields, and Captain Hackley attended, and pointed out the sections of road built by the several contractors. They were found to be of the following lengths, to- wit:

| | As measured. | As given by Mr. Saunders. |
|---|---|---|
| Clark and Gibbs, - - | 219.27 poles, | - - - 227 poles. |
| J. D. Shields, - - - | 221.45 do. | - - - 208¼ do. |
| R. French, - - - | 222.84 do. | - - - 221 do. |
| John Sheets, - - - | 127.57 do. | - - - 151 do. |
| J. W. Bennett, - - | 41.50 do. | - - - 43 do. |
| B. Bennett, - - - | 153.70 do. | - - - 166 do. |
| J. W. & B. Bennett, - | 207.45 do. | - - - 203 do. |
| Total, - - - | 1193.78 poles, | - - - 1219.25 do. |

Difference measured in centre of the road 25.47 poles.

I have examined the contracts—some of them have been finished as required by the superintendent, others have not been completed.

First. The contract of Clarke and Gibbs requires, on the west side of Collet's Fork of Benson to the Louisville turnpike road, a distance of sixteen poles, to be graded, and the stone to be quarried, hauled and broken, at $14 per pole, amounts to $224, at the contract price.

The contract of B. Bennett, 153.7 poles, is also incomplete. It is about two thirds graded and grubbed—some of the culverts are not completed, and what culverts have been built are in bad order.

The contract of Richard Pemberton for the construction of the bridges over Collett's fork of Benson and Benson creek, are both incomplete in superstructure and masonry. The superintendent reports that it will take $677 87 to complete the bridges. The contractors are progressing on part of their contracts.

I consider no part of the road complete; the culverts want repairing; the drains and side ditches have not been cleared out, owing to this cause, the water puddles by the side of the road bed. There is a balance due the con-

tractors on each section, more than a sufficiency to put the road in good order.

I have also examined the list of stockholders, and find that individuals have taken and paid, as informed by the President of the company, $650 00
Contractors stock considered paid, - - - 5,450 00

Total stock subscribed, - - - - - $6,100 00

I am fully persuaded that no definite amount of stock has been subscribed by the contractors; but their understanding is, that on the completion of their contracts, they are to take one fourth of their contract price in stock. There seems to be an understanding that the contractors' stock can be increased at pleasure. See paper marked B, which was handed to me by the President and Secretary of the Board.

By the statement above referred to, it appears that the total cost of the road without contingencies is $20,838 78—contingencies $1,669, in all $22,507 78. That the company have paid to the contractors $10,948 12, cash. In stock and cash $16,398 12; and that they owe the contractors when the road shall be completed $4,443 15, which is due the following contractors, to-wit:

| | | |
|---|---|---|
| To Clark & Gibbs, - - - | $616 50 | |
| " J. D. Shields, - - - | 451 00 | |
| " R. P. French, - - - | 397 42 | |
| " John Sheets, - - - | 119 64 | |
| " J. W. Bennett, - - - | 331 50 | |
| " B. Bennett, - - - - | 1765 87 | |
| " J. W. & B. Bennett, - - | 73 35 | |
| " Richard Pemberton, - - | 392 87 | |
| " Richard Pemberton, - - | 285 00 | |
| | | $4,443 15 |
| To this sum Mr. Saunders has added, (without specifying for what purpose,) - - - - | | 300 00 |
| Making, - - - - - - - | | $4,743 15 |

As the balance due to contractors. On an additional scrap of paper filed with this report, the Board will find that the sum of $4,743 15 is brought down, and has added to it $257 00 as a balance due contingencies, which makes $5,000; the two sums of $300 and $257, was said to be for extra work and the balance that it will take to superintend the completion of the road.

| | |
|---|---|
| The stock now owned by the State is - - - | $11,614 00 |
| The stock of individuals, - - - - | 650 00 |
| Contractors stock paid in work, - - - - | 5,450 00 |
| Subscriptions now asked for, - - - - | 5,000 00 |
| Will make the total cost, - - - - | $22,714 00 |

This makes the road and bridges, including all expenses, cost $18 62 per pole, or $5,958 40 per mile. The grade of this read is 32 feet in width, and covered with metal 18 feet wide. The first layer of stone are, by contract, to be broken so small as to pass through a 2½ inch ring. The second layer to be laid on 12 feet wide and 4½ inches deep, and broken so small as to

pass through a 2 inch ring. This amount of stone has generally been laid on the road, though it has spread to some extent. On most of the contracts it will now measure 9 inches in the middle of the road and 7 inches on the side, and is a good road cover.

In order to have this road completed, the contractors will necessarily require some pecuniary aid. I would suggest the propriety of paying no money on the balances due the contractors until their contracts are certified to be finished, either by one of the resident Engineers or by the superintendent of the road, excepting B. & J. Bennett, whose work will require a close estimate; and for the balance in hand to complete their contract must be economically applied, and aid furnished as the work progresses. This company have a toll gate up, and are taking toll. The rates are in proportion to the other toll gates, in the proportion that three and a half miles bears to five miles.

This road presents an anomaly in the construction of roads—I am not prepared to say, with all the evils attending it, that it has cost a sum much beyond the other roads of the State. The example is a bad one, and should not be countenanced in future. I consider that the road could have been built for cash at the rate of $320 per mile less than for the one fourth stock.

There is another example set by this Board, for which I can find no corresponding example on the North of the Kentucky river. They have each charged for their services—see the account marked A. This account is only in part, and in an examination I find that the Engineer, C. Saunders, is a stockholder to the amount of $100. The Board must judge of the character of the whole transaction and form their own conclusions. I have but little doubt that so far as the members of the Board are stockholders, their stock has been cancelled without paying any money, considering their services an equivalent for their stock.

I found the books loosely kept. Ten days since I requested, by letter, a statement certified by some officer of the Board, directed to President Shields, which would shew in detail the expenditures of the Board for damages, stone, superintendence, and the pay of each member of the Board—such paper has not come to hand. Such information as I could procure is filed with this report for your inspection.

A map of the road is also ready for inspection. The survey was made in the centre of the road as now made and before stated. The graded portion is thirty two feet wide; the banks are rough and require sloping; the drains are all in bad order—and the road wants *raking* and blockading. The grades vary from zero to three degrees. The road bed was formed of a convex eliptical shape, five inches higher in the centre than at the sides. Owing to the manner of laying the metal the stone road way has a rise in the centre of fifteen inches in the middle, this makes the curve so great as to endanger the passage of wagons and carriages, and forces the travel all to keep the same track.

Which is respectfully submitted.

HENRY J. EASTIN, *Res. Eng.*

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

## REPORT *on the Anderson county portion of the Franklin and Crab Orchard road.*

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ENGINEER'S OFFICE, *May* 8, 1838.

SIR:

By an order of the Board of Internal Improvement I have examined that part of the Franklin and Crab Orchard Turnpike Road which lays or passes through Anderson county. Having examined the original contracts, they have generally been complied with. The road bed is made in the following manner: fifty feet in width has been cleared of all timber; thirty two feet of this quantity has been graded and grubbed; the road bed has an eliptical convex shape, rising generally 15 inches in the centre; the excavations and banks, by contract, were to have been cut at a slope of 1 to 1, or 45 deg.; but little attention has been paid to them, being generally much too steep; the road bed is badly drained, and the culverts too few, and nearly always too small, to vent the water; they are much choked and filled up. The foundations of many of the culverts are being undermined at the lower ends of the culverts by the water which passes under the flagging. The stone roadway is generally eighteen feet wide; has been badly put on, (the stone having been prepared on the road bed; this plan was adopted and permitted by the superintendent,) being thick enough to fill the contract, but lumpy and irregular; the stone are too coarse, being in weight from 4 to 20 ounces; they consolidate slowly. But little attention has been paid to raking the stone roadway, or keeping it level and smooth. I have no doubt that the contractors, (except J. D. Eliston and Tracy,) have complied with their contracts, as required by the superintendent. The stone roadway on Ellison's work is badly made, being composed of stones so large that much travel will be necessary to render it smooth. A part of Mr Tracy's work is in the same condition. This defect was pointed out to a part of the managers. Before they are paid the stone which are too large should be broken up smaller with a hammer, by passing over the road. The drains are in bad order, and should be opened so as to carry off the water.

This is a fair sample of the roads in Kentucky, and cannot be said to be in worse order; the contracts added make the distance in Anderson county 13.78 miles, and at the contract prices, will cost $67,147 67, including all the labor of making the road.

The contingencies have been considerable, and are made up of the following items:

| | | |
|---|---|---|
| Expenses engineering, - - - | $1,571 50 | |
| Damages, &c. - - - - | 642 57 | |
| Counsel and clerks, - - - - | 170 99 | |
| Board for services, - - - - | 1,343 84 | |
| Other contingences, - - - - | 377 37 | |
| | | 4,106 27 |
| Cost of the road brought forward, - - - | | 67,147 67 |
| Total cost of the turnpike road, - - - | | 71,253 94 |

| | | |
|---|---|---|
| Amount brought forward, - - - - | | $71,253 94 |
| The Treasurer reports individual stock paid, - | 5,736 00 | |
| County of Anderson, - - - | 3,750 00 | |
| Contractors stock paid, - - - | 16,107 91 | |
| State stock paid, - - - - | 37.950 00 | |
| | | 63,543 91 |
| Ballance due, - - - - - - | | 7,710 03 |
| Additional damages for stone furnished by sundry persons 11th May, inst. - - - - - - | | 47 50 |
| Ballance due, - - - - - - | | $7,757 53 |

HENRY J. EASTIN,
*Resident Engineer.*

To SYLVESTER WELCH, Esq.,
*Chief Engineer of Kentucky.*

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## REPORT *on the Winchester and Lexington Turnpike Road.*

ENGINEER'S OFFICE,
*February* 9, 1838.

SIR:

By a letter received from Richard Chiles, President of the Winchester and Lexington Turnpike Road, by Major A. K. Wooley, one of the directors of said road, I was requested to attend a meeting of the president and directors of the Lexington and Winchester Turnpike Road Company on the 10th instant. Having attended this meeting, and the difficulties of completing this road being removed, the company having procured the right of way on the portion of line not now in progress near Winchester, the contractor, Lewis Vemont, has agreed to go on and complete the work under the original contract.

A resolution was also adopted, directing the President to call on the President of the Board of Internal Improvement for an engineer to comply with the last law of the Legislature on the subject of this road.

In pursuance of your direction, and said call or request, the annexed report is made, and gives in detail the cost of this road so far as it can be ascertained, and is based on an actual re-measurement of the total line of road by which the contractor is to settle for his work with the President and Directors of this turnpike road.

The length of the road, from Limestone street in Lexington to the court house door in Winchester, is 18 miles and 59 poles. The length of the various sections are as follows, with the names of the sub-contractors under Lewis Vemont:

| | | | |
|---|---|---|---|
| City section, | 242.9 | poles, | Thos. H. Walters, contractor. |
| 1st section, | 320. | poles, | Allender, contractor. |
| 2d section, | 320. | poles, | Allender, contractor. |
| 3d section, | 319. | poles, | Vemont, contractor. |
| 4th section, | 317.1 | poles, | Jno. Cottingham, contractor. |
| 5th section, | 320. | poles, | Austin Graham, contractor. |
| 6th section, | 330.2 | poles, | Austin Graham, contractor. |
| 7th section, | 296.7 | poles, | Jno. S. Vemont, contractor. |
| 8th section, | 320.0 | poles, | Jno. S. Vemont, contractor. |
| 9th section, | 320.0 | poles, | Swinford, contractor. |
| 10th section, | 317.7 | poles, | Swinford, contractor. |
| 11th section, | 320.3 | poles, | Will. B. Shanks, contractor. |
| 12th section, | 320. | poles, | Will. B. Shanks, contractor. |
| 13th section, | 352.5 | poles, | Jno. S. Vemont, contractor. |
| 14th section, | 320. | poles, | Jack Louiso, contractor. |
| 15th section, | 306.5 | poles, | Jack Louiso, contractor. |
| 16th section, | 184.8 | poles, | Vemont, contractor. |
| 17th section, | 248. | poles, | ————————, contractor. |
| 18th section, | 137.4 | poles, | |
| 19th section, to Winches'r, | 205.6 | poles.—In all, 5819 poles. | |

The cost of the Winchester road when completed, at the contract prices, will be as follows, to-wit:

| | | |
|---|---|---|
| 5819 poles, $13, - - - - - | $75,647 | 00 |
| Fxtra culvert at Cuglston's spring, - - | 50 | 00 |
| Extra, Wooley's branch, - - - | 25 | 00 |
| Extra, Carter's lane, - - - | 31 | 50 |
| Extra, Darnaby road, - - - | 31 | 50 |
| Extra, Coleman's pond, - - - | 31 | 50 |
| 2 culverts on 13th section, - - | 63 | 00 |
| Extra on 4 large bridges, - - - | 550 | 00 |
| Extra bank, 13th section, 2233 yards c. 20, | 446 | 60 |
| Extra excavation on same, Yates' Hill, - | 75 | 80 |
| Extra embankment at Hancock, 1,560 yards, at 20 cts. | 312 | 00 |
| Extra embankment, Stroad's creek, 885 yds. at 20 cts. | 177 | 00 |
| For moving N. Warfield's fence, - - - | 13 | 81 |
| For hire hands, by H. J. Eastin, - - - | 70 | 00 |
| For expenses attending this report, - - - | 20 | 00 |
| For damages and right of way, - - | 7,052 | 25 |
| Expenses (engineering) and toll houses, - | 6,187 | 66 |
| | | $91,494 62 |

The Winchester and Lexington Turnpike Road Company,

To L. Vemont, contractor, Dr.

| | | |
|---|---|---|
| To contract price on 5,576.1 poles, at 13 dollars, - | 72,489 | 30 |
| Extra work, Wooley's branch, - - | 25 | 00 |
| Extra work, Carter's lane, - - - | 31 | 50 |

| | | |
|---|---|---|
| To Extra work, Darnaby's road, | 31 50 | |
| Extra work, Coleman's, | 31 50 | |
| 2 culverts on 13th section, | 63 00 | |
| Extra masonry, 4 bridges, | 550 00 | |
| Extra Bank, 13th section, | 446 60 | |
| Extra excavation, 13th section, | 75 80 | |
| Extra bank, Hancock, | 312 00 | |
| Extra bank, Stroad's creek, | 177 00 | |
| Extra removing, N. Warfield's fence, | 13 81 | |
| | | 74,247 01 |

The Winchester and Lexington Turnpike Road Company have paid Lewis Viment the following sums, viz:

| | |
|---|---|
| James B. Duncan, Treasurer, | 45,684 19 |
| Ballance due L. Vimont, completion, | $28,562 10 |

STATEMENT A.

*The total cost of the road as it will be when completed.*

| | | |
|---|---|---|
| City section, Thos. Walters, contractor, | 3,363 88 | |
| Lewis Vimont, contractor, | 74,247 01 | |
| Extra culvert at Clugston's, | 50 00 | |
| H. J. Eastin, | 70 00 | |
| Expenses this report, &c. | 20 00 | |
| Damages, &c. | 7,052 25 | |
| Expenses engineering, &c. | 6,897 66 | |
| | | 91,700 80 |
| Half to be paid by the State, | | 45,850 40 |
| State stock subscribed, | | 33,700 00 |
| Ballance to be subscribed by the State, | | $12,150 40 |

By reference to the length of the city section it will be seen that it measures 242.9 poles, at $13 per pole, amounts to 3,157 79
The company have paid for it, 3,363 88

| | |
|---|---|
| Over contract price, | 206 18 |
| This sum added to, | 91,494 62 |
| Will give the last cost of the road, as per statement A, as above, | $91,700 80 |

This will require an additional subscription on the part of the State, of $12,150 40 cents, to give half the cost of the road.

HENRY J. EASTIN, *Res. Engineer.*

SYLVESTER WELCH, ESQ.
*Chief Engineer of Kentucky.*

## REPORT *on the Turnpike Road from Glasgow to the Tennessee State line.*

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ENGINEER'S OFFICE,
*February* 9, 1838.

To SYLVESTER WELCH, Chief Engineer of Kentucky, and to the President and Managers of the Turnpike Road Company, leading from Glasgow in Barren county, through Scottsville in Allen county, to the Tennessee State line, in the direction to Nashville.

GENTLEMEN:—Under your directions a line for said road has been surveyed, embracing the points in the above turnpike road charter, having commenced at Scottsville on the 15th Jannary last. The whole length of the line, as located from Glasgow to the State line, is 36 miles. From Glasgow to Scottsville 25 8.10 miles, and thence to the line, by way of Little Trammel creek, 10 2-10 miles. This line has been selected, out of the several lines run, as the shortest and most level, and embracing more natural advantages than either of the others. At the State line a bench was made on a large white oak 1.5 feet above surface, and at the grade surface of the road bed.

Various compass lines had been run previous to the commencement of the survey, but they were found to afford but little information. The face of the country being undulating, and the dividing ridges high, steep and affording but few suitable points for passing them, the points requiring the lightest grades were selected; and the road is located around the hills, in all cases, rather than over them. The old travelled road is estimated, by various former surveys, to be 35 miles in length; is very circuitous, and has been frequently changed so as to accommodate the farming community rather than obtain the best ground for the road. In this location no attention has been paid to individual interest, as a general rule; but the best line has been selected, keeping a low grade in view. The alignment is circuitous, though no curve has been adopted that will render the travel of carriages or other vehicles dangerous.

The surface of the country is much broken, with frequent and deep ravines. The lands, except at a few points, second rate quality. The ravines and branches are precipitous, and in freshets the water passes off so rapidly as to require culverts frequently, and something larger than usual on roads.

The ravines and water courses are as follows: beginning at Glasgow—first, the south fork of Bacon creek requires a bridge of 40 feet span; Skegg's creek, a bridge of 100 feet span: Raccoon creek, a bridge of 30 feet span; Peters' creek, a bridge 75 feet span; Big Barren, a bridge of 176 feet span; east fork of Hurricane, a bridge of 30 feet span; Bay's Fork, a bridge of 30 feet span; branch of Bay's Fork, a bridge of 20 feet span;

Big Trammel, a bridge of 60 feet span; Little Trammel, a bridge of 50 feet span; and two branches of it, each requiring bridges of 20 feet span. They all have good rock foundations at the bridge sites for abutments, except the north abutment of Big Barren river—this will probably require a grillage foundation. There is a good natural abutment on the south bank of Barren, immediately above the mouth of Hurricane. Estimates have been made for the most substantial class of bridges. All having spans greater than 40 feet, are to be covered; from 40 to 100 feet span, single road way 15 to 18 feet in the clear. The bridge over Big Barren river, a double track, or road way, upon the plans exhibited in the Engineer's office. The abutment on the north side of the river will be 31 feet high, of the best coursed rubble masonry, and requires wings of the same height 40 feet long; the abutment pit requires 3,000 yards excavation. Rock appears three feet below low water surface in the middle of the river, gradually sloping to the north east. The bed of the stream, from the middle to the north shore, is coarse, hard, black sand and gravel. Barren river most usually has a cliff on one side and an alluvial bottom on the other, subject to overflow during freshets. Of the bridge sites examined on it, this affords the best and least expensive bank at the bridge site. Attempts were made to cross Barren below the mouth of Peter's creek—the south bottom of the river is low, 1200 feet wide, and overflows from 9 to 17 feet deep. This would have been an advisable crossing if it could have been effected with safety to the road. The bridge over Peters' creek would be saved by it; but even the difficulty of a low bottom being overcome, the ascent of the high ridges, so frequent for the adjacent four miles, would forbid the road being laid on or over them. The total cost of all the bridges, including stone masonry, as will appear by the schedule B, herewith filed, is $16,956 50; for masonry and superstructure, 12,848; excavation abutment pits, $1,200—total, $41,004 50.

The vallies of the small creeks and branches have been selected for the location as far as practicable, and a southern exposure of hill sides selected where practicable throughout the line.

The stone is inferior lime, shale, slate silex, and red sand stone in small quantities, with large beds of quartz or gravel. This latter is in large quantities in the valley of Little Trammel creek, and for 4.5 miles up its valley is sufficient, in quantity, to afford a fine road cover. The limestone can be procured at all points to insure a good road way, most generally adjacent to the location, and no portion will require to be hauled a greater distance than one mile—this occurs on the dividing ridge south of Scotsville, between the waters of Bay's Fork and Big Trammel creek. The quarries for the residue do not exceed half a mile. The stone at many of the quarries disintegrates easiiy; but proper care in the selection will insure a sufficiency of good hard stone for the cover. The largest flint quarry, I have seen, is on the farm of Mr. Myers, in a cliff on the south side of Trammel. It is of the hardest class of white; the strata are from 8 to 28 inches thick.

The whole line will require 108 culverts, none of which will be less than two feet in their spans; the masonry to be rubble, will be laid without mortar. They contain 1,840 perches masonry at $1 50—$4,260.

The excavations and embankments are light, having prefered to increase the length of the road to making deep heavy excavations and embankments.

There is but a small portion of swamp, boggy, or low wet lands. Where they occur a small embankment and side drains will insure stability to the road bed. The greatest quantity is in the valley of Raccon, Skegg's creek, and the table lands at the ridge, and at the crossing of Hurricane creek—about 40 poles at each point.

The grubbing and clearing are of the heaviest class—timber, white oak and chesnut generally; in a few places large poplar and some sugar tree and gum. The value is fixed at $2 per lineal pole for the work.

The soil is composed of gravel and a deep coarse yellow substrata of clay, not tenacious, dries quickly, becomes smooth, firm and hard; is not penetrated deeply by rains, and by care can be drained through the culverts and natural channels of the country with ease. I would advise the trial of a dirt turnpike road from the top of the ridge at Mr. Curd's, except in the vallies of the streams, and embankments to the valley of Little Trammel creek, and it may be safely calculated that in that distance, 15 miles of hard fine road will be secured. Judging from the wear of the old road, there is so much gravel and quartz intermixed, that unless a very superior stone could be had for the cover, the sand or gravel would do better than a stone road way of inferior metal. The old road does not wear into ruts, but keeps a smooth even surface, and where the water does not stand on it, is firm, even in rainy weather. The surface is more subject to damage from frost than rain, and the thaw seems, for a short period, to leave the upper surface of the road open and loose.

The timber for the superstructure of the bridges is of the first class of white oak and poplar, both in large quantities. A sufficiency of plank can be had at all the sites, particularly at Big Barren river and Peter's creek, where John Lewis has a fine saw mill, to build them.

The dimensions of the road are as follows: grubbing and clearing 60 feet throughout the line, grubbed 35 feet; the road bed with a drain on each side where the slopes of the hills are not sufficient to dispense with one, will be 30 feet wide.

The graded surface is estimated to be 35 feet in width, in all cases where the slopes of the hill sides do not exceed 20° in the transverse section of the road, clear of the side drains. The stone road way to be one foot thick and eighteen feet wide.

The maximum ascent or descent is one foot in 28.65, or two degrees. This maximum grade has been adopted on about one fourth of the line; the residue will be from zero to the maximum grade; the largest portion at three quarters of a degree.

A printed direction for the construction is filed with this report, with a form of contract by which the road is to be sold and paid for. This contract includes all the necessary specifications for the information of the President and Directors, the superintendent of the road, and contractors. The President and Directors are expected and required to build this road in pursuance of those instructions.

A map of the road will be made as soon as the duties of the service will permit. A plan of the bridges, with specifications, will be sent to the President of the road; also, plans of culverts and form of the road bed and stone road way.

It is unnecessary for me to state that this is a continuation of the turnpike road from Louisville through Bardstown, Glasgow and Scottsville, to

the Tennnessee State line, in the direction to Nashville; that 39 miles from Louisville to Bardstown, with the bridges, are all completed, so as to be fully used; that the contractors are in full operation on the 67 miles, from Bardstown to Glasgow, with all the work under contract and progressing rapidly; that the State of Tennessee has built and is building a like road from Nashville to the Kentucky line, 25 miles of which will be finished the ensuing summer, and the residue of the line will be put under contract the 20th instant, as appears from the advertisement of the President, &c. in the Nashville papers—with a sufficiency of State and individual stock to insure its completion.

The latter part of the line, say from the *Bear Wallow* to Glasgow, and the line embraced by this report, will also form part of the line from Lexington to Nashville, and be on the nearest and best line.

I am unable to say what profits this road will yield to the State or individual stockholders; no road has a larger extent of population, or could afford to the citizens of the north and middle districts of the State more benefit; and what the line will yield cannot be clearly ascertained until the whole is completed. It may be safely set down that the profits will be equal to the profits of any road in which the State has an interest.

By reference to schedule B, the cost of the whole line will be found to be $211,049 53, idcluding all the items of work.

In executing this survey on the ground, (Capt. Samuel Fordwood had its direction,) until a compass line was completed to Scottsville, and two lines run to the State line, one at a point known as the "J R" trees, 9.5 miles from Scottsville, and the other at a point called the "*Social Point*," nearly 11 miles from Scottsville. On either of these lines a road *could* be made; yet neither suits Kentucky so well as the route here reported. The extent of line surveyed by Capt. Forwood, in fixing this location, and to enable the fixing of the reported line, is about 70 miles—much of which will make a fine road. In making those surveys much was effected in procuring releases and stock to aid the completion of the road.

The Board may rest assured, that for a country as undulating as this line passes over, none can afford a better selected line for a road.

The estimates have been made under the direction of George W. Shields, civil Engineer, (who kept all the notes, and directed the survey,) and by the corps of young gentlemen who assisted in making the surveys under my instructions—all of whom are fully adequate to the task. They have been hurried, and before the schedules are finished, will be re-examined.

By a resolution of the Board of Directors, herewith filed, it will be seen that they are anxious to have this road put under contract forthwith. Much local feeling is expressed by the community through which it passes. The people are almost unanimous in the expression and hope that the Board of Iuternal Improvement will extend to them all the aid in their power, to insure a speedy completion of the entire line of road.

To the President and managers I would beg leave to express my best respects, for their attention to the corps while making the location, ahd particularly President Walter Thomas.

A copy of this report will be filed in the Engineer's office, with the schedules and a copy of the notes of the located line, so soon as they can be made out and sent to the President. The original notes will be filed in the Engineer's office. Which is respectfully submitted,

HENRY J. EASTIN, *Res. Eeng.*

## Schedule B.

*Estimate of the Road from Glasgow to the State Line.*

| SECTIONS. No. | Length of sect'n in poles. | Grubbing in poles | Price per pole. | Masonry in per. of 25 c. feet each. | Price per perch. | Embankment in cubic yards. | Price per yard. | Excavation in c. yards. | Price per yard. | Extra excavat'n in cubic yards. | Price per yard. | Excavation of rock in c. yards. | Price per yard. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Poles. | Poles. | Dolls. | Per. | D. Cts. | Yds. | Cts. | Yds. | Cts. | Yds. | Cts. | Yds. | Cts. |
| One, | 353.2 | 220.4 | 2 00 | 80 | 1 50 | 4834 | 10 | 4834 | 10 | 7066 | 13 | – | 50 |
| Two, | 386.7 | 272.9 | 2 00 | 130 | 1 50 | 3089 | 10 | 3089 | 10 | 3486 | 13 | | |
| Three, | 319.7 | 254.5 | 2 00 | 100 | 1 50 | 1414 | 10 | 1414 | 10 | 3676 | 13 | | |
| Four, | 324.0 | 324.0 | 2 00 | – | 1 50 | 1888 | 10 | 1888 | 10 | 3828 | 13 | | |
| Five, | 321.0 | 215.0 | 2 00 | 50 | 1 50 | 931 | 10 | 931 | 10 | 3952 | 13 | | |
| Six, | 338.0 | 231.2 | 2 00 | 105 | 1 50 | 5281 | 10 | 5281 | 10 | 6430 | 13 | 5353 | 50 |
| Seven, | 328.0 | 146.4 | 2 00 | 100 | 1 50 | 6390 | 10 | 6390 | 10 | 2703 | 13 | 948 | 20 |
| Eight, | 317.0 | 140.3 | 2 00 | 100 | 1 50 | 3687 | 10 | 3687 | 10 | 3901 | 13 | | |
| Nine, | 365.8 | 93.9 | 2 00 | 175 | 1 50 | 6987 | 10 | 4632 | 10 | – | 13 | | |
| Ten, | 306.8 | 258.4 | 2 00 | 75 | 1 50 | 1016 | 10 | 1016 | 10 | 7557 | 13 | 1508 | 50 |
| One, | 318.6 | 143.3 | 2 00 | 75 | 1 50 | 5559 | 10 | 5559 | 10 | 3456 | 13 | | |
| Two, | 365.0 | 110.3 | 2 00 | 75 | 1 50 | 4332 | 10 | 4332 | 10 | 3608 | 13 | | |
| Three, | 327.4 | 182.3 | 2 00 | 100 | 1 50 | 3229 | 10 | 3220 | 10 | 3076 | 13 | | |
| Four, | 297.5 | 171.8 | 2 00 | 100 | 1 50 | 2754 | 10 | 2754 | 10 | 4690 | 13 | | |
| Five, | 315.8 | 170.2 | 2 00 | 95 | 1 50 | 2456 | 10 | 2456 | 10 | 4402 | 13 | | |
| Six, | 330.0 | 110.0 | 2 00 | 75 | 1 50 | 5225 | 10 | 5325 | 10 | 6840 | 13 | | |
| Seven, | 320.4 | 266.0 | 2 00 | 50 | 1 50 | 1493 | 10 | 1493 | 10 | 2526 | 13 | | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Six, - - - | 330.0 | 110.0 | 2 00 | 75 | 1 50 | 5225 | 10 | 5325 | 10 | 6840 | 13 | | | |
| Seven, - - - | 320.4 | 266.0 | 2 00 | 50 | 1 50 | 1493 | 10 | 1493 | 10 | 2526 | 13 | | | |
| Eight, - - - | 320.4 | 320.4 | 2 00 | 25 | 1 50 | 944 | 10 | 944 | 10 | 3355 | 13 | | | |
| Nine, - - - | 324.6 | 324.4 | 2 00 | 50 | 1 50 | 2374 | 10 | 2374 | 10 | 2878 | 13 | | | |
| Ten, - - - | 324.2 | 324.2 | 2 00 | 145 | 1 50 | 2653 | 10 | 2653 | 10 | 2171 | 13 | | | |
| Eleven, - - | 280.2 | 280.2 | 2 00 | 75 | 1 50 | 3329 | 10 | 2356 | 10 | – | 13 | 1889 | 50 | |
| Twelve, - - | 326.5 | 202.6 | 2 00 | 90 | 1 50 | 12469 | 10 | 5159 | 10 | – | 13 | | | |
| Thirteen, - - | 281.8 | 112.1 | 2 00 | 95 | 1 50 | 1877 | 10 | 1877 | 10 | 5555 | 13 | | | |
| Fourteen, - - | 320.8 | 180.0 | 2 00 | 50 | 1 50 | 10131 | 10 | 8435 | 10 | – | 13 | | | |
| Fifteen, - - | 320.4 | 30.7 | 2 00 | 25 | 1 50 | 3045 | 10 | 3045 | 10 | 4608 | 13 | | | |
| Sixteen, - - | 330.4 | 218.5 | 2 00 | 25 | 1 50 | 2793 | 10 | 2792 | 10 | 4865 | 13 | 296 | 50 | |
| Seventeen, - - | 326.0 | 244.3 | 2 00 | 50 | 1 50 | 4369 | 10 | 4369 | 10 | 5463 | 13 | | | |
| Eighteen, - - | 351.0 | 117.2 | 2 00 | 125 | 1 50 | 6055 | 10 | 6055 | 10 | 3179 | 13 | | | |
| Nineteen, - - | 322.4 | 322.4 | 2 00 | 135 | 1 50 | 5884 | 10 | 5623 | 10 | – | 13 | | | |
| Twenty, - - | 317.4 | 236.6 | 2 00 | 75 | 1 50 | 3348 | 10 | 3348 | 10 | 2479 | 13 | | | |
| Twenty one, - | 322.8 | 322.8 | 2 00 | – | 1 50 | 1015 | 10 | 1015 | 10 | 2541 | 13 | | | |
| Twenty two, - | 335.2 | 304.0 | 2 00 | 50 | 1 50 | 2006 | 10 | 2006 | 10 | 5036 | 13 | | | |
| Twenty three, - | 330.0 | 296.8 | 2 00 | 50 | 1 50 | 2724 | 10 | 2724 | 10 | 4928 | 13 | | | |
| Twenty four, - | 397.0 | 30.0 | 2 00 | 100 | 1 50 | 6002 | 10 | 6902 | 10 | 3069 | 13 | | | |
| Twenty five, - | 330.6 | 229.0 | 2 00 | 105 | 1 50 | 4030 | 10 | 4030 | 10 | 2593 | 13 | | | |
| Twenty six, - | 176.0 | 40.7 | 2 00 | 75 | 1 50 | 1913 | 10 | 1913 | 10 | 1213 | 13 | | | |
| Total cost of road, | | | | | | | | | | | | | | |
| Deduct stoning 15 miles, at $3,200 per mile, - - | | | | | | | | | | | | | | |
| Net estimate, - | | | | | | | | | | | | | | |
| Add 7 per cent. for contingencies, - | | | | | | | | | | | | | | |
| Net total cost, - | | | | | | | | | | | | | | |

SCHDULE B—Continued.

| SECTIONS. No. | Bridges, span of. Feet. | Price per foot. D. Cts. | Masonry in abut's. Per. | Price per perch. D. Cts. | Excavation in abutment pits, c. yds. Yds. | Price per yard. Cts. | Stoning road. Poles. | Price per pole. Dls. | Total cost of each section. Dolls. Cts. | REMARKS, &c. |
|---|---|---|---|---|---|---|---|---|---|---|
| One, - - | 40 | 5 00 | 233 | 2 00 | – | – | 353.2 | 10 | 6,944 18 | Beginning in Scottsville, in str't opposite court house. |
| Two, - - | – | – | – | – | – | – | 286.7 | 10 | 4,678 78 | Section 2d ends on dogwood. |
| Three, - - | – | – | – | – | – | – | 319.7 | 10 | 4,616 68 | On poplar, in field. |
| Four, - - | – | – | – | – | – | – | 324.0 | 10 | 4,763 24 | On red oak, 22 feet to right. |
| Five, - - | – | – | – | – | – | – | 321.0 | 10 | 4,414 96 | On red oak. |
| Six, - - | 60 | 18 00 | 512 | 2 25 | – | – | 338.0 | 10 | 9,389 15 | Crosses Big Tramel. |
| Seven, - - | – | – | – | – | – | – | 328.0 | 10 | 5,826 45 | On white walnut. |
| Eight, - - | 50 | 18 00 | 473 | 1 75 | – | – | 317.0 | 10 | 6,572 88 | Crosses Little Tramel. |
| Nine, - - | 20 | 3 50 | 104 | 2 00 | – | – | 365.8 | 10 | 5,948 20 | On stump, bearing N. 53 W. |
| Ten, - - | 20 | 3 50 | 104 | 2 00 | – | – | 306.8 | 10 | 5,914 91 | From Sc'sville to oak, on S. line. |
| One, - - | – | – | – | – | – | – | 318.6 | 10 | 5,146 18 | On oak. |
| Two, - - | 30 | 4 00 | 92 | 2 00 | 100 | 20 | 365.0 | 10 | 5,642 54 | Crosses East Fork of Bay's Fork. |
| Three, - - | 30 | 4 00 | 90 | 2 00 | 100 | 20 | 327.4 | 10 | 5,254 28 | On sycamore. |
| Four, - - | – | – | – | – | – | – | 297.5 | 10 | 4,285 50 | On white oak. |
| Five, - - | – | – | – | – | – | – | 315.8 | 10 | 4,704 36 | Ends in field, stump, 33 ft. right. |
| Six, - - - | – | – | – | – | – | – | 336.0 | 10 | 5,626 70 | On black ash, 17.4 ft. to left. |
| Seven, - - | – | – | – | – | – | – | 320.4 | 10 | 4,437 98 | On chesnut stump. |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Six, | – | – | – | – | – | – | 315.8 | 10 | 4,704 36 | Ends in field, stump, 33 ft. right. |
| Seven, | – | – | – | – | – | – | 336.0 | 10 | 5,626 70 | On black ash, 17.4 ft. to left. |
| | – | – | – | – | – | – | 320.4 | 10 | 4,437 98 | On chesnut stump. |
| Eight, | – | – | – | – | – | – | 320.4 | 10 | 4,507 25 | On poplar, 35 feet to left. |
| Nine, | – | – | – | – | – | – | 324.6 | 10 | 4,831 74 | On poplar, 9.4 off. |
| Ten, | 30 | 4 00 | 90 | 2 00 | 100 | 20 | 324.2 | 10 | 5,240 75 | |
| Eleven, | 200 | 28 00 | 2594 | 3 25 | 3000 | 20 | 280.2 | 10 | 19,718 40 | Crosses Big Barren. |
| Twelve, | – | – | – | – | – | – | 326.5 | 10 | 5,668 00 | On beech, 13 feet off. |
| Thirteen, | – | – | – | – | – | – | 281.8 | 10 | 4,286 25 | Ends south of Peter's creek. |
| Fourteen, | 75 | 18 00 | 723 | 2 75 | 1000 | 20 | 320.8 | 10 | 9,037 85 | On beech. |
| Fifteen, | – | – | – | – | – | – | 320.4 | 10 | 4,392 64 | On chesnut, 18 feet to left. |
| Sixteen, | – | 4 00 | – | – | – | – | 330.4 | 10 | 5,117 55 | On poplar, 13.5 feet to left. |
| Seventeen, | 30.20 | 3 50 | 268 | 2 00 | 100 | 20 | 326.0 | 10 | 6,197 59 | Crosses Raccoon c'k, ends in field |
| Eighteen, | 100 | 18 00 | 820 | 2 00 | 1100 | 20 | 350.0 | 10 | 9,028 67 | On beech. |
| Nineteen, | – | – | – | – | – | – | 322.4 | 10 | 5,222 00 | On beech, 7.8 feet off. |
| Twenty, | – | – | – | – | – | – | 317.4 | 10 | 4,751 57 | On poplar, 3.3 feet to left. |
| Twenty one, | – | – | – | – | – | – | 322.8 | 10 | 4,408 23 | On red oak, 24 feet off. |
| Twenty two, | – | – | – | – | – | – | 335.2 | 10 | 5,090 88 | On oak, 7 feet off. |
| Twenty three, | – | – | – | – | – | – | 330.0 | 10 | 5,154 04 | On Oak. |
| Twenty four, | 40 | 5 00 | 298 | 2 00 | 100 | 20 | 397.0 | 10 | 6,775 37 | Crosses Beaver creek. |
| Twenty five, | – | – | – | – | – | – | 330.6 | 10 | 5,064 59 | On hickory, 13.5 to right. |
| Twenty six, | – | – | – | – | – | – | 176.0 | 10 | 2,494 19 | At Glasgow. |
| Total cost of road, | – | – | – | – | – | – | – | – | 211,049 53 | |
| Deduct stoning 15 miles, at $3,200 per mile, | – | – | – | – | – | – | – | – | 48,000 00 | Total length of road, 36 miles, 11 feet. |
| Net estimate, | – | – | – | – | – | – | – | – | 163,049 53 | |
| Add 7 per ct. for contingencies, | – | – | – | – | – | – | – | – | 11,413 49 | Cost per mile, - - - $4,819 40 |
| Net total cost, | – | – | – | – | – | – | – | – | 174,463 02 | |

## Report *on the Glasgow and Scottsville Turnpike Road.*

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Engineer's Office,
*December* 1, 1838.

Sir:

Under your direction I attended and assisted in placing under contract, on the 15th June last, the Glasgow and Scottsville Turnpike Road. The following report will show the sales, and also such other facts relative to the work as your instructions required.

The length of this road is thirty six miles, viz: From Glasgow to Scottsville twenty five and eight tenths miles, thence to the Tennessee line ten and two tenths miles.

This road is laid out on a maximum grade of one in 28.65 feet or 2°.—The width of the road is 60 feet; to be grubbed and graded 35 feet, with a drain on each side where the natural slopes of the hills are over 20°—the graded part of the road is to be only 30 feet wide clear of a good side drain.

The whole line is under contract with the necessary bridges, (except the Skeg's creek bridge of 100 feet span.) The stone road way is to be one foot deep and eighteen feet wide. Four and one half miles of this road up the valley of Big Tramel creek are to be covered with gravel, at $1,600 per mile.

In all respects for the manner of building this road, I refer you to the report on the Glasgow and Bardstown turnpike road of this date.

The bridges are all under contract, except one of 100 feet at Peters' creek, and remain as in my report of the 9th February last, except the bridge over Big Barren. Under your direction I have reduced this bridge to a span of 176 feet, and raised the abutments three feet higher than reported as above. It is to be built under the same specifications and plan of the bridge over the Rolling Fork on the Bardstown and Glasgow turnpike road. Messrs. Wolfe and Shafer are the contractors, and engaged in their work, but little has been done as yet—the abutuent pits are excavated. On the south side of the river the abutment will have a rock foundation, on the north a grillage or timber foundation, as at the Beech Fork and Green river bridges.

The other small bridges are under contract on plans from the State office, and all in progress. The contractors are energetic and executing their work as well as young and inexperienced contractors generally do. The greatest portion of the work was taken by the farming citizens of the country through which the road passes.

The President and managers are as energetic as they generally are, considering they are all inexperienced in their duties, yet all of them seem to take great interest in the progress of the road.

This work is under the direction of George W. Shields, Esq., superintending Engineer, assisted by C. H. May. The experience of Mr. Shields will ensure a good road and faithful execution of the work. He commenced his superintendence in September last.

From the date of the letting, up to the 10th of September last, the work was under the direction of Capt. Samuel Forwood.

*Schedule B.*—This schedule will show the contractors names and the prices paid for each particular item of work, with the length of their sections of work. The whole is to be completed by the 25th of November, 1839.

| | | |
|---|---|---|
| The cost of the whole road as under contract, including the bridges, is - - - - - | | $125,117 78 |
| Of this sum there has been paid - - - | | 17,275 78 |
| Leaving a balance to be paid of - - - | | 107,842 00 |
| The bridge over Skeg's creek, not under contract, I estimate to cost $4000, which will make the whole net cost of the road - | | $129,117 78 |
| This does not include contingencies, for which it will be safe to add 5 per cent., - - - - - | | 6,455 88 |
| Total aggregate cost, as under contract, - - | | $135,573 66 |
| Stoning thirty one miles, to-wit: | | |
| Gravel 4.5 miles $1,600, - - | 7,200 00 | |
| Stone 26.5 miles 3,200, - - | 84,800 00 | |
| | | 92,000 00 |
| Total cost complete, - - - - - | | $227,573 66 |

HENRY J. EASTIN,
*Civil Engineer.*

SYLVESTER WELCH, Esq.,
*Chief Engineer of Kentucky.*

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## REPORT *on Richmond and Lexington Turnpike Road.*

ENGINEER'S OFFICE.
*May 11th*, 1838.

SIR:

Pursuant to your directions an examination of the Richmond and Lexington Turnpike Road has been made.

The distance from Lexington to Richmond is 25 miles.

The road is under contract from Lexington to Foxtown, or about 19½ miles; 14½ miles from Lexington to the Kentucky river have been completed, and two toll gates are in operation collecting tolls.

The width of this road is required to be 50 feet, cleared, grubbed and graded 30 feet, and stoned not less than 12 nor more than 18 feet. In many places the fences of the farmers are placed too near the road, and 50 feet is not left for the use of the road. Those fences should be removed so as to give air and the sun to the road.

The maximum grade of the road from Lexington to the top of the Kentucky river cliff, is 2° or 1 foot rise or fall in 28.65 feet. The grade down the north cliff of the Kentucky river is at a grade of three degrees. The width of the graded part of the road is 30 feet—the grade is made more convex than any turnpike I have examined, some of it as much as 15 inches higher in the centre than at the sides. The culverts are all bad, and the foundations, in many of them, giving way. There have been more of them put in than usual, and the road is better drained. The freezes of the last winter and the spring rains have caused the banks to fall from the sides of the excavations and many of the drains are filling up, they should be well cleared, and some stumps grubbed out of them.

The metal of the McAdamized road is laid in the centre of the road bed, 18 feet wide and 9 inches deep. The stone is of the first quality, but broken too coarse and cements very slowly; the road is kept well raked smooth and even—three men are employed daily for the purpose of raking the road, I understand, at $1 37½ per day each. Fourteen and one half miles of the road are finished from Lexington to the Kentucky river, and two toll gates are up taking toll. Too much care was taken to locate this road in long straight lines, and frequently the best ground has not been selected. A good site for a bridge has been selected; for the present the McAdamizing is extend- to low water in the Kentucky river, on both shores; the ascents are steep and I fear that the plane on the north side will be undermined by the river and fall in—the bed of the stream being sand, and the water at the lowest stages about 8 feet deep—this road is protected by a rip rap wall on the north where it is subject to overflow, but it is too thin and the stones used too large. On the south side, the river has a rock foundation; less difficulty will attend that part of the road which leads up from the river.

On the south side of the Kentucky about five miles of this road are under contract. That part ascending the river cliff is giving away in the grade, The most of the excavation is clay, and stands at a natural slope of about 30 to 35°. In making the grade the timber was not well cleared away, and no steps or bases cut to receive the excavated part of the road—it is giving way in several places, near the top of the cliff, a distance of near 300 feet has broken off and slid entirely down the cliff into the river. At this point in the road I consider the location not good, and am of opinion that it should be changed by cutting through the gap in the cliff (where the short and very dangerous turn is made,) into the head of a ravine, and passing on the south west of the first farm on top of the hill, join the line at or near the base of the first plane on the south side of the river cliff after the summit is passed—to determine this the lines should be run and an estimate made. If this plan fail there is no remeny but to excavate on the lower side of the road bed at this slip down, to solid rock, and commence a wall in the following manner, in lieu of the slope of the embankment. This wall should not be less than two and one half feet thick on the top, or on a level with the road way. The back, towards the road way, to be built vertical; the outer face should have an inclination or batter of three inches to

each foot in length, so that every four feet in heigth will increase the width or thickness of the wall at bottom one foot. This wall should extend so far each way up and down the river as to secure the bank. The location is so made and the turn of the road so abrupt, that I fear, the road will ever remain dangerous to the travel; the whole hill is clay and must continue to slip for some years, and the earth excavated, for half a mile, continually wash down on the road below. If the expense should not be found very variant, I would certainly recommend the excavation to be made, and the location changed, not only for economy in the end, but for safety to the travel. The curve adopted for the ramp is not more than thirty feet radius on a plane of $3\frac{1}{2}°$—the descending transportation will always be endangered. This cliff affords good hard limestone for the road bed up it, which is nearly completed. The drain next the hill is much filled up by the slipping of the bank above, which has never been properly sloped. This hill side is spouty, and there are not a sufficiency of culverts under the road to pass the water. From the top of the south cliff of the Kentucky river to Foxtown, a distance of four miles, this road is roughly graded, and the culverts badly built. The culverts are badly constructed and of bad, soft, slaty stone —that built by the contractor near Foxtown should be taken up and rebuilt before the bank is made over it.

The stone broken for this part of the road is mostly, totally unfit for making a McAdams turnpike, being soft and slaty—disintegrates with the action of the weather. I consider the stone totally a loss to the company and State if used and paid for. If they be used a three four inch coat of hard compact lime or other hard stone after they are laid should be placed over them.

I understand the last six miles of this road, from Foxtown to Richmond, has not been finally located, nor have individuals taken a sufficiency of stock to construct it.

HENRY J. EASTIN, Res. Eng.

To Sylvester Welch, Esq.,
*Chief Engineer of Kentucky.*

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Engineers' Office, Frankfort,
*December* 8, 1838.

Sir:

The following report of the present condition of the Lexington and Richmond, Lexington, Nicholasville, Danville and Lancaster, and Lexington and Harrodsburg Turnpike Roads, is respectfully submitted.

On the Lexington and Richmond road, 15 miles are finished and in use, and five are under contract. The width of the grade on the finished portion is about 30 feet except on the embankments which are mostly from 3 to 4 feet less; the slopes range from 1 to $1\frac{1}{2}$—many of the ditches are open, but a great portion of the road seems to require more ditching. The metal coating is about 18 feet wide, the thickness was not ascertained but is pre-

sumed to be not more than 6½ *a* 7 in., as it has evidently been cut through by the wheels of wagons—the quality of stone used is not generally good.

The double culvert on the fifth mile has not been well built, and the stone used are of an inferior quality.

The culvert on the sixth mile appears to be well built, but the stone are not very good.

On the unfinished portion of the road the grade in the cuts is about 30 feet wide, and from 26 to 30 on the embankments; the slopes of the banks appear much steeper than 45°; the drainage is imperfect, and the clearing, especially on the steep grade ascending the cliff on the south side of the river, has not been done to the width required.

The metal coating is about 18 feet wide, and the thickness on 5 measurements to be as follows: 7, 7¼, 7½, 8 and 8 inches, some of the metal measured was newly put on—some of it partly consolidated, but none in use.

The wall which was found necessary to be built on the face of the cliff, on the south side river, has been finished. It is about 180 feet long, 34 feet high at the highest point, and averages about nine feet in thickness; the batter on the lower portion is 2 inches per foot, and on the upper portion 3 inches per foot on the face. It is said to be founded on the rock and appears likely to stand.

The Danville, Lancaster and Nicholasville road is completed from Lexington to the Kentucky river, except a portion less than one quarter of a mile. The width of the grade is about thirty feet, and the slopes range from 45 to 33° The ditches are not generally well opened, but the clearing has been done to the proper width. The metal coating is about 18 feet wide, where measured, near the Kentucky river, was found to be 7½ inches thick. The side wall for the support of the road on the face of the cliff, descending to the river, is bad; a part of it has fallen, and other portions are likely to fall during the winter and spring.

The abutments and wing walls of the bridge over the Kentucky river are nearly completed—they are built of rubble masonry—on the north side of the river the abutment and wings are laid in mortar. The stone used are not very large, but appear to be well laid. There is little or no appearance of failing at present. The front of the abutment is 22 feet thick at top, and has a batter on the front, and offsets on the back equivaleut to one inch per foot rise. The wing walls are 6 feet thick on top, with the same batter and offsets.

The abutment and wings on the south side of the river are laid dry, with larger stone than those on the north side. The abutment is 24 feet thick on top, and was said to be commenced 36 feet thick at bottom—batters and offsets the same as on the one before described. The wings are 6 feet thick at top with like batters and offsets—the whole height being about 70 feet above the surface of the water. The stone used in the abutment last described are not so good as in the other; they are generally thicker and not apparently so broad; many of them are broken, but no wall crack or opening of the body of the wall is yet apparent. The stone are not well laid, and proper attention has not been bestowed on breaking joints in the face of the work.

The superstructure has been erected and the scaffolding removed, but the roof, weather boarding and permanent floor, have not been put on. It is above 73 feet above the surface of the water in the centre, and above 70½ at the abutments. The span measured between the skewbacks is 235 feet,

and will finish about 40 feet wide at the ends, and 35 in the middle—it has a double road way, and the clear height is 14 feet at the ends and 12½ in the centre. The whole superstructure is very well executed on Wernwag's plan.

From the river to Evansville the road is not all graded; the walls which have been built to support the road in ascending from the river are not well built—a part has fallen down and other parts are likely to fall during the coming winter and spring. The embankments are not all made the full width of 30 feet. The side ditches and drains are defective. The clearing has generally been done to the full width.

The metal coating is about 18 feet wide, and was found by measurement at two points to be 8 and 10 inches thick.

From Evansville to Dick's river, the road is apparently finish grade, about 30 feet, slopes irregular, some embankments narrow, and the ditches and drains not well prepared. The clearing is not done to the full width on the descent to Dick's river. The walls are bad, and some clefts between the rocks are left filled with hardpan, which overhangs its base, and will be brought down by the frost.

The metal coating is about 18 feet wide, and the depth as measured at three places was 7, 7½, and 8 inches. The stone are generally coarse, and near Evansville they are of an inferior quality. An 8 foot culvert near Evansville has not been built in a proper manner—a part of the wall has cracked.

The bridge over Dick's river is nearly completed. The abutments and wings are built of rubble masonry. The abutments are apparently 15 feet thick at the skewbacks, and have a batter of one inch per foot—they appear to be well built although many small stone have been used as closers.

The superstructure is erected, roofed in and weather boarded, the floor is laid, and apparently all finished except the facade. The span is 135 feet; it is 25 feet 2 inches wide at the ends, and 22 feet 8 inches in the middle; it has a double road way, and the clear height is 12 feet 6 inches, and is about 30 feet above the surface of the water.

From Dick's river to Danville the road appears to be finished, and in its general character is similar to the other portions of this road. The thickness of the metal was measured near Danville and found to be 8½ inches.

The Lexington and Perryville road is nearly finished for a distance of 6 miles from Lexington. The grade is 30 feet wide; the embankments at some points are not so wide as they should be; the ditches are tolerably well made, and the clearing appears to have its full width—the culverts are tolerably well built and not numerous.

The coat of metal is about 18 feet wide, and the thickness measured at three points was found to be 10, 8, and 7½ inches, the stone are coarse and generally of a good quality. A bridge is building over South Elkhorn of 2 spans of 18 feet each, semi-circular stone arches.

From Harrodsburgh toward the Kentucky river this road is partly finished, nearly all the grading has been done, and the metal laid on for a portion of the distance. The width of the grade is 30 feet; some of the embankments are narrow, and the slopes at some points two steep—the ditches are not finished—the clearing has not been well done, some logs and roots are partially covered by the embankments.

The coat of metal raises in width, being from 16½ to 18 feet wide, and the thickness, where newly put on and not consolidated, was measured at five places and found to be 7¼, 7½, 9, 10 and 8 inches; the stone are generally coarse but of a good quality.

One of the return walls of a bridge abutment near Shakertown has given way. Between South Elkhorn and the Kentucky river little or no work has deen done, and the portion between Harrodsburg and Perryville was not examined.

Very respectfully,

Your obedient servant,

ANTES SNYDER.

To Slvester Welch, Esq.,
*Chief Engineer of Kentucky,*

# REPORT

OF THE

# SUPERINTENDENT OF PUBLIC INSTRUCTION.

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FRANKFORT, KENTUCKY, *January* 3, 1839.

SIR:

I beg leave to submit, through you, to the House of Representatives, the Report of the Superintendent of Public Instruction.

Yours, &c.

JOSEPH J. BULLOCK, *P. B. E.*

To the SPEAKER *of the House of Representatives.*

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*To the Honorable the Legislature of Kentucky:*

The act of the Legislature to establish a System of Common Schools in the State of Kentucky, approved February the 16th, 1838, prescribes the duties of the Superintendent in the following words: "That branch of his duties which relates to the Common Schools, shall be, amongst other things, to prepare and submit an annual report to the Legislature, containing a full and comprehensive statement of the amount and condition, together with plans for the improvement and management of the Common School Fund, and such other matters relating to his office, and to Common Schools, as he shall deem expedient to communicate." In compliance with this requisition I proceed to make the first annual report from this department.

I accepted the office of Superintendent about the 20th of February. A deep interest in the subject of Common Schools, joined to the advice of many of its friends, induced me to engage in the work. My first business was to acquaint myself with the general subject of Common Schools as they exist in other States of the Union and of Europe. I then proceeded to carry into effect the law of this State, by calling together the other gentlemen constituting, with myself, the Board of Education. The Board was organized about the 1st of March, and determined upon their common seal. They ordered one thousand copies of the law to be printed, and placed at the disposal of the Superintendent for distribution among the School Commissioners, and also one thousand Commissions. The first step to be taken to put the system in operation, was the appointment of five commissioners for each county in the State,—this duty devolved wholly upon the Superintendent. The work of obtaining information with regard to suitable commissioners, and the appointment of those commissioners, has occupied much of my time. Before I accepted the superintendency,

the Legislature had adjourned, and consequently I was dependent for information mainly upon the answers received to letters addressed to gentlemen in different parts of the State, asking for information upon this subject, except for those counties that I visited in person. In many instances my letters were either unanswered, or the asked-for information was not given.—Much of this difficulty could have been obviated if the law had been passed earlier in the session, and will not exist in future. Commissioners have been appointed in all the counties of the State, with the exception of ten, most of which I had intended to visit, but was prevented from doing so by sickness—these will be appointed in the course of a few days. The correspondence of the Superintendent has been very burdensome in answering letters of inquiry with regard to different points involved in the law. It soon became evident to my mind, that there was need for a public sentiment *to be created*, in order for the success of the system. The subject is new to the people of Kentucky. They need to be informed as to their nature and advantages; and I became perfectly convinced that the great work before me was to direct all my efforts to the formation of a correct public sentiment upon this subject. It is too often taken for granted that the general benefit of education is sufficiently appreciated; if it were, we should not hear it so frequently stated that a Common School system is impracticable in our State. The great defect, and that which alone can make it impracticable is, that the people do not value education as it deserves. Let a correct public sentiment prevail upon this subject and it will break down every barrier, and dig out a channel for itself. Entertaining this opinion, I determined to spend some three or four months in visiting different parts of the State, to address the people on the general subject of Common Schools; to explain the law, and to urge its acceptance upon them. This plan was only partially carried out. I have visited about twenty counties, in most of which I made addresses. In October I started upon a tour into the southern part of the State, but was prevented from progressing by ill health. The Superintendent has reason to hope that his labors, though not so great as he had intended, have not been useless—that an impulse has been given to the public mind, in some parts of the country, on the subject of Common Schools, from which valuable effects may be anticipated. Great changes cannot be effected at once. Where the means employed are of a moral kind—calm addresses to the understanding and interests of men—a gradual and steady progress is all that can be expected; and I am confident in the opinion, that the cause has been as well received as its intelligent friends expected—and that it is on the advance in public estimation. In all my travels, I witnessed few indications of hostility to the scheme; the discouraging symptoms were coldness, indifference, and ignorance of the subject, which are as fatal to any great enterprize as open opposition; but all of these may be remedied by constant *agitation* of the subject. I found many persons who were prejudiced against what they *conceived* to be the law; but their prejudice was frequently changed into friendship when they came to understand it.

The counties which have reported to the Superintendent, (according to the provisions of the law,) the number of children between seven and seventeen years, in each district, and the number of districts, are: Bourbon, Lewis, Bracken, Nicholas, Franklin, Green, Rockcastle, Christian, Campbell and Pike. Caldwell, Jefferson and Estill, have partially reported. There are some other counties which have been districted, but have not yet reported. The Superintendent requested that the commissioners, in districting the

counties, would ascertain the number of children between seven and seventeen years which are unable to read. This has not been complied with, except in the county of Rockcastle, and the report from that county states that there are 486 males and 403 females, of which 254 males and 222 females are unable to read—considerably more than half. From other sources of information, I am confident that at least one third of the children of the schooling age in the State are unable to read, and have no means of common school education, and, unless something is done to remedy the evil, the proportion will soon be greater. From the report from Christian, one of the best and most intelligent counties in the State, it appears that not more than half of the children are going to school; and it is not probable that two thirds can read. I have conversed with clerks of counties, lawyers, physicians, preachers, and public men of every description, and they all concur in the opinion, that one third of our white population is entirely uneducated. This is a frightful fact to every reflecting man who loves his country.

The fund set apart to Common Schools is the interest upon $850,000.—The interest which has already accrued is $65,978 27. The expenditures of the system amount to $1,005 25, of which $750 has been paid to the Superintendent for salary; $88 75 to Messrs. Brown & Hodges for printing 1000 copies of the law, and 1000 commissions; $38 to Mr. Todd for stationry, paper for the printing of commissions, and ledger; $50 for seal and press, and cost of carriage from Cincinnati; and $67 for postage. This, deducted from $65,978 27, will leave $64,973 02. The principle of our system is, that what is appropriated by the Legislature should act as an incentive to the people to tax themselves, as a lever to raise the additional sum required. This sum is hardly sufficient to answer this purpose, with the degree of apathy which prevails at present upon the subject of general education. And I would respectfully suggest to the Legislature the propriety of increasing this fund, by imposing a tax of one third of a mill on the dollar, to be collected in the same way, and at the same time, with the other revenue of the State. By doing this, the bonus offered will be sufficient to act as a strong incentive to district taxation. The cost will be small to the rich, and the benefits will be great to the poor and to the State. Some oppose the present system because it is unequal in its operation, compelling some persons to pay a much greater tax than others of equal wealth who are in more favorable districts. No law can be passed that will bear equally upon all; but I am decidedly of the opinion that it will be more equal and efficient than the present plan. It will be a union of general and district taxation—such a union as our exigencies require. It will extend the system to those counties and districts which are unable to bear the entire burden of supporting their schools. The principal burden will be borne by the districts in which the schools are located; but they will be aided in sustaining their schools by the whole property of the State, which is just and proper, as the whole State participates in the benefits resulting. It should ever be kept in mind, that money raised by law for the support and establishment of schools, is not an addition to the expenditures of the people; but the most economical disbursement of a necessary expenditure—or, as Burke beautifully expresses it, "Taxes for education are like vapors, which rise only to descend again to beautify and fertilize the earth." I think it would be well to amend the law, so as to add to the permanent fund the interest which has accrued during the last year, except what is needed for necessary expenses. The

permanent fund will then be about $914,000; the annual interest upon which, at 5 per cent., will be $45,700. The whole interest of the school fund, (at the expiration of two or three years,) should be paid out, from year to year, to those districts which shall have reported themselves as organized. Until that time, the apportionment of those counties, which neglect to report, should go to increase the permanent fund. This would be a powerful incentive to counties and districts to carry into effect the system.

It is important that some other arrangement than the present should be made, to ascertain the number of children of the schooling age. According to the present plan, the neglect of a few counties to report, hinders the Board of Education from making any apportionment to those districts that do report. Let it be made the duty of the commissioners of tax to ascertain the number of children between seven and seventeen, and report to the Auditor, and then the difficulty will be obviated. The law does not specify the number of months a school is to be taught in a district, to entitle it to its proportion of the public fund. It should require a school to be taught at least four months in the year. It has been suggested that $1 instead of 50 cents should be the maximum of the poll tax allowed to be levied, annually, by the trustees, on every white male inhabitant over 21 years of age. The reason assigned for this, is to make those who have little or no taxable property, assist in bearing the bunden of supporting the schools; and that the poor may feel that their children are not educated by the rich alone, but partly by themselves.

The founding of one or more normal schools for the purpose of training the sons of the soil, for teaching, is a favorite measure with many of the friends of education. The establishment of a school or schools for teachers is certainly a great disideratum. It is the voice of reason and experience that they must exist before education can be performed in the best possible manner, and with the greatest attainable success. In those countries where education has been carried to the greatest perfection, schools for teachers have formed an important feature in their systems, and with the best results. But I deem them impracticable at present with us. The most that we can do is to make some arrangement with the colleges and academies, which already exist in the State, to teach those who wish to prepare themselves for instructors in our Common Schools. The difficulty of obtaining able and efficient commissioners are undoubtedly great, and yet the success of the system depends much upon it. Their work is arduous, and yet no provision is made for their compensation: and the fund is so small that it will not admit of being divided. The only remedy is a right public sentiment; a due appreciation of the necessity and advantages of the system, and the spirit of true patriotism and philanthropy will generously influence men to give a portion of their time and labor to promote the welfare of their country and their kind. It is evident that much depends upon the Superintendent. It is all important to have, in this office, a man of talent, energy and character, and one who will devote his undivided energies to the cause. It should be the duty of the Superintendent to visit every part of the State; to hold conventions of the friends of Common Schools in every county; to arouse and enlighten the public mind; to see, in person, as far as practical, the commissioners, and interest them in the cause. This cannot be done in a single year. No one man can possibly visit all the counties in the State, and spend a sufficient time in each to give an impulse to the cause. Besides

the Superintendent should be at least three months of the year in his office. Much good might unquestionably be done by the publication of a monthly paper, devoted exclusively to the cause of education under his care; in collecting and diffusing information on this subject; in discussing the numerous important questions which belong to it; in forming a sound and intelligent public sentiment, and in exciting a warm and deep interest in favor of Common Schools, it would be an invaluable auxillary. This plan has been adopted in Ohio, Massachusetts, and several other States, with the happiest effects.

I respectfully suggest to the Legislature, the expediency of raising the salary of the Superintendent to an amount which would secure the undivided and constant attention of a man fit to take charge of so great a work. It is but just to myself to add, that this proposal is made without any selfish consideration, as I design resigning the office in February; and I do so not from a lack of interest in the cause, but because my health will not admit of the labor and fatigue which I should feel myself bound to perform, if I continued in it, and because of other engagements.

The great object of the Common School law is to give to every child in the Commonwealth, a good common school education; to develope the whole intellect of the State. The great principle of the system is that of equality; the rich and the poor are placed upon the same footing; and to receive the same elementary instruction; and *which* is to take the lead in after life is to be decided, not by one's being born to wealth and another to poverty, but by diligence and native force of mind. It is both the duty and the interest of the State to establish and support these institutions. All admit, in theory, their importance; but all do not value them enough to incur the expense necessary to their establishment and perfection—and convictions that do not influence to action are useless. The information which we have obtained, exhibits mournful evidence of the number of children who do not go to school, and cannot read. Through the indifference or inability of parents to educate their children, thousands of the rising generation are growing up in our midst, in utter ignorance; and unless some provision is made for their education, they will be a curse, instead of a blessing, to society. The mental and moral culture of the rising generation is too important to be left to accident or caprice. The State has an interest in every child within her limits; and indifference with regard to the beings upon whom all the interests of society are so soon to devolve, is as criminal as it is impolitic. For who so infatuated as to suppose that we can be a great, a happy, and a powerful State, when one third of the people are ignorant of the letters of the alphabet. The children of those parents who are too poor or neglectful to educate them, are not to blame for their ignorance; and as the State holds them responsible for their offences against her laws, so she should place within their reach a knowledge of her laws. Whether we regard the subject in reference to the interests of individuals, or of the whole people forming the State, it is clear that no portion of the rising generation can be safely abandoned to ignorance.

That the education of all the children of this State, or the provision for their education will cost much—I do not wish to conceal—but it should be obtained at any cost; for no price is enormous which is not out of proportion to the thing purchased. It is not true economy to object to a small expenditure for the present, and thereby incur a much greater expenditure for the

future. Parsimony on this subject is extravagance. Nothing is so wasteful as ignorance; it has impoverished every nation on earth where it has prevailed. The folly of objecting to the expense of education, is as great as that of the farmer who objects to spending his money to buy seed to sow his ground with, and lets it grow up with weeds because it costs less. The elevation of an entire people is beyond all price. Under no arrangement can the people be relieved from bearing the burden of expense: the only question is as to the best method. To provide for the education of all the children in the State, is the most economical expenditure of money that can possibly be made. It is plain that every one who has children to educate will, without this system, pay more for private schools than his tax will be, (if the system is adopted,) even if he belongs to the wealthier class of the community; and all the children of the State will be educated with the money now expended for the education of two thirds of the children of the State. Let it be distinctly remembered, that the tax to be raised for this cause, will not be an addition to the burdens of the people; but an actual and direct diminution. It is an arrangement for paying into the hands of the school collector, instead of the school teacher; and by which all the children of the State are educated, instead of two thirds only—and surely there is no man so selfish as to refuse the crumbs that fall from his table to his perishing neighbors. But we are not left to the deductions of reason on this subject. We have plain, stubborn facts, that speak volumes, and which cannot be denied. In those States which have no system, the price of education is double, or threefold what it is in the States which have a system. In the New England States, New York and Pennsylvania, the average price of tuition is about $4 per annum per scholar. In Kentucky it is not less than 15 or $20—four or five times as much. The reason of this difference is not solely because they are free States, whilst ours is a slave State, as is evident from the fact, that in South Carolina, where slavery operates more powerfully than with us, the average price of tuition is $6 per scholar; less by two thirds than in Kentucky. This was the case ten years ago; I have no recent information on the subject. But we have evidence more satisfactory than this of the economy of a system of education. The experiment has been made where there was no difference of circumstances, and where no foreign influence could operate. In Boston, the expense in the free schools, where instruction extends to all the branches of learning and science, with the benefit of libraries, apparatus, lectures, &c., is $10 per annum per scholar; while, in their private schools, admitted to be no better, the cost is $25. And it is said that more great men have been educated in these free schools than in all the colleges of New England. In the city of New York, the cost per annum, in the free schools, is $6 83 per scholar; in the same class of private schools it is $25. In Cincinnati the cost in the free schools, which are said to be as good as the private, is $6 40, while the cost in the private one's from $16 to $36 per annum. The average cost of tuition of private schools in the cities and towns of Ohio is about $25 per annum per scholar. In the country the average cost is about $16. The average cost of tuition in well conducted free schools for the whole State, including cities and towns, does not exceed $7 per annum per scholar. Again, in Pennsylvania, before she adopted a system, the cost of teaching each pupil was 82 cents per month; under the system, is 40 cents, less than half. The whole number of children of the schooling age, in the districts that reported, supposed to be 200,000; the whole

number taught before the adoption of the system was 80,000; since its adoption, the number taught in the same district is 182,355. Here we have more than double the number of children educated, at the same time, for the same expense. These facts are sufficient to convince any reasonable man that, by adopting the present system of Common Schools, the burden of those who now educate their children will be diminished; and that the poor and the State at large will be benefitted beyond all computation.

The whole white population of Kentucky, according to the last census, is 600,000. It is supposed than one fourth are of the schooling age, viz: 150,000. Suppose half of these are at school, and that $16 is the average cost per scholar per annum. According to this calculation there is expended, annually in, Kentucky, for the education of 75,000 children, being one half of those that are of the schooling age, $1,200,000. Now, if this system is adopted, the cost of tuition will be reduced at least one half—(this has been the universal operation of the system as I have shown)—$8 instead of $16 will be the average price; and with the $1,200,000 now expended annually for the education of 75,000, can be educated 150,000 children, all in the State of the schooling age; and surely the people of Kentucky, in view of these facts, are not so illiberal, and short sighted, and unaccommodating in their spirit, as to reject the system. Besides, where Common Schools are established, education is not only cheaper and more general, but it is of a higher order. I do not wish to see the remuneration of teachers less; for a shameful parsimony prevails on this subject. Nor would they be remunerated less if this system is carried out—the effect would be to make school teaching a permanent and constant occupation, and to equalize the expenditures among the different classes of the community. The reason why there are so few good teachers is, that there is not a demand for them,—the people do not realize that the wealth, the dignity, the character and the very existence of this nation depends upon the education of the people—and young men of talent and energy will not qualify themselves for the task, when they can be better compensated, both in the way of honor and emolument, by taking care of calves and horses than of children. Let the demand be created, and the supply will soon come. From the influence of intelligence upon the wealth of a State, it is clear, that it is to the interest of the State, in a pecuniary point of view, to carry into effect this system. It is now a settled axiom that intelligence and wealth stand to each other as cause and effect; and that the best possible way to increase the wealth of a State, is to promote directly the intelligence of the people. Ignorance keeps inactive the mind, which is the productive agent of a community, and leads inevitably to poverty; intelligence keeps it employed, and as certainly leads to wealth. Take the map of the world and you will find, that, in proportion as States are enlightened, (*ceteris paribus*,) they are wealthy. We may compare for example England with France, and France with Spain or Portugal. Spain was once the rival of England and France; now she is the meanest of kingdoms—she neglected the education of her people, and she has paid the forfeit. How much more economical to have provided the means of enlightening the minds of her people, than to be engaged in working her mines of silver and gold and intestine wars. Ignorance cannot be made available even by the arm of a despot; and the monarchs of Europe now understand it.

In proof of the gain of intelligence to a State, I will refer you to the relative productiveness of English over French labor. England, with a less territory, smaller population, and less genial climate, has double the wealth

of France. For this she undoubtedly is indebted to her superiority in intelligence, enabling her to employ a larger proportion of the minds of the State in producing. And it is to the same cause that New England is indebted for the productiveness of her labor. With a barren soil, and an ungenial climate, her labor is much more productive than Southern labor, with all their advantages of soil and climate. The exports of Massachusetts alone amounts to $1,000,000 per annum. Mr. Webster, in a late speech, attributes this to their Common Schools; in fact there is no diversity of opinion upon this subject, in all those States. Who can estimate the amount saved to the United States, annually, by the inventions and improvements of labor saving, or, as Mr. Webster properly styles them, labor doing machines. Or who can anticipate the value of the discoveries and inventions which the general education of the people would produce? The very elements are in the hands of educated man, and work for him in proportion to his knowledge.

In further illustration of this subject, compare the same countries with themselves at different periods of their history. Egypt, for example—what was she, when she was the seat of letters? She contained a population of 20,000,000 upon a small territory. She was a great, a powerful, and a wealthy kingdom—and what is she now? The basest of kingdoms. And Italy—what was she, when she was the land of science?—and what is she now? You may extend these comparisons as far as you please, and you will find that it is not only a general fact, but that the ratio is preserved with mathematical exactness, that those nations where the people have been best educated, have also been most remarkable for the wisdom of their laws, and the prosperity and wealth of their citizens. The money expended for the education of the people would add more to the wealth of the State, than the same amount expended in any other way. By educating all the minds in the State, in a few years an amount of talent, of industry and enterprise, would be called forth, that would repay one hundred fold for all the money expended. The establishment of Common Schools will multiply the number of our valuable citizens, and of our wise legislators and rulers; will develope the whole mind of the State, and enable us to keep our present exalted stand in the councils of the nation. There is another view which shows that it is not only the most benevolent plan, but the most economical to educate all the children in the State. It has been ascertained that those States which have neglected to educate their children, expend more for the punishment of criminals and the support of paupers, than would be sufficient to avert these evils by educating all their youth. "Education is the cheap support of a nation." The price which an ignorant nation has to pay for the repression and punishment of crime, the maintenance of tranquility, and the support of pauperism, is enormous. Jails, prisons, constables and police officers, and courts of criminal judicature, cost more than school houses and teachers—and surely the latter is a more agreeable tax to pay. The question to be decided, is not whether the people are to be taxed or not? but for what they shall be taxed? In civil society taxes are inevitable. Shall they be taxed a less sum for the education of all the children in the State, or a greater sum for the support of paupers and the punishment of criminals, is the point to be decided? Ireland pays a greater tax to maintain tranquility and to support pauperism, than Scotland pays for the education of all her children, and for all the expenses of government. The

scenes that are yearly occuring in Ireland, could not take place in Scotland. The whole world would be filled with astonisnment if they did. And why? Because they are known to be an enlightened people. England expends more in prisons and constables for the regulation of that portion of her population, for which the government provides no schools, than Prussia pays to support all her schools. The expense of transportation in Great Britain for ten years, ending in 1837, was more than £8,000,000. The expenditures for New South Wales, and Van Diemon's land alone, in 1836–'7 was £490,000. This is a heavy penalty for the neglect of education; and especially when we take into the count the amount that these criminals might have added, by their labor and industry, to the wealth of the country. There is less paid in Prussia, Scotland, and in the New England States, for the support of pauperism and the punishment of crime, than in any other countries on earth, containing an equal amount of population; and they are the best educated States in the world. Both in France and England education has been resorted to for the purpose of suppressing crime. It is the universal testimony of those who have examined the subject, that it purifies the morals and lessens crime. It is *important* to every State to provide for the education of her children—in a government like ours, it is *indispensable*. Our institutions are neither designed nor fitted for ignorant men. They assume that men are virtuous and intelligent. The right of suffrage is as extensive as possible; and every voter should be able to read the laws of God, and the constitution of his country. Republican institutions can no more exist. without the diffusion of knowledge and virtue, than animal life without air. Ask not then how much it will cost to educate the people; it must be done, at any cost, or the downfall of our republic is sure. Ignorance has destroyed all other republics, let us not split on the same rock. The State owes it to itself, to secure that basis of knowledge and morality which is indispensable to its own security. This cannot be done without a system of education. No nation or State have ever educated its people without a system; and that we are not doing it, is evident from the most satisfactory testimony. Common Schools, says Governor Everett, "are the basis of every wise system of popular education." But there are some who admit all this; nevertheless hold that a system of Common Schools is impracticable with us. The reasons assigned for this opinion, are the sparceness of our population, and the existence of slavery. Both of which, I admit, are obstacles, but far from being insuperable. That the sparceness of the population is not, is evident, if we refer for a moment to our statistics. Kentucky covers an area of 40,500 square miles, and contains near 600,000 white people—150,000 of which are of the schooling age. A school advantageously situated in a district of 16 square miles, would be convenient to all within its limits.—Such a district would contain 240 whites, 60 of which would be of the proper age to receive instruction. A large majority of our population might have permanent schools conveniently accessible to their dwellings. Nor is there any thing in the existence of slavery fatal to the success of the system. There are but two ways in which slavery can act against the system. First, by making the population to be educated less—too sparse for the establishment of schools, which I have shown not to be the case with us. And, secondly, by fostering a spirit of pride, which makes rich men, and the masters of many servants, unwilling to place their children on a level with the children of the poor, and to submit to those neighborhood

regulations which are involved in the system. This whole argument applies, with all its force, against republicanism, and in favor of an aristocratic form of government; and if true, shows that slavery should be abolished, and not the Common Schools should be given up. But I do not believe that the inequality of wealth, and the pride of mastery, exist to such a degree with us, as to hinder the success of the system. There is no slave State in the Union where it is so mild and contracted in its influence as in Kentucky. The experiment has not been fairly tried in any of the slave States. Virginia adopted a system of poor schools, but not of Common Schools; and it was a failure as was foreseen by her wisest statesmen. South Carolina adopted a system of public instruction, different from ours, and from those of the other States which have engaged in this work; and, so far as I know, it has been successful in its operation. It was so, according to the last information which I have on the subject. It had cheapened the price of education—reduced it to $6 per scholar per annum—and had extended it to thousands of children which otherwise would have grown up in ignorance. This proves that slavery is not an insuperable barrier in Kentucky; for the unfavorable influences referred to, exist in their widest extent in South Carolina.

Again, there are some who are opposed to the intervention of government in education, and who hold that it should be left entirely to the direction of individuals, and that the Legislature should abstain from any care or superintendency over it. That this is an erroneous view, is evident upon the slightest reflection upon the objects of government. The alleged object of all governments is to promote the general happiness, or the public weal—to take care of the best interests of the community. They are the guardians or representatives of the people, and are bound to do all just and lawful things to promote their wealth, happiness, and character. That the establishment of Common Schools would most effectually answer these ends, I have endeavored to show; and therefore should be patronized by the State. In this opinion, I am supported by the wisest and best men in every age and country. Socrates, Plato, and Aristotle, the three most distinguished philosophers of ancient Greece, expressed the sentiment, that one great object of legislation should be, the education of the people. Among the moderns, the authorities are so numerous that but a few can be mentioned.—Lock, Milton, Lord Kames, and Blair, all reckon education as one of the capital articles of government; and as entitled to the nursing care of the Legislature: for no State says, Lord Kames ever long flourished where education was neglected. And Dr. Paly says, "That to send an uneducated child into the world, is injurious to the rest of mankind; it is little better than to turn a mad dog, or wild beast, into the street; it is to defraud the community of a benefactor, and bequeath them a nuisance." Washington, in his farewell address to the nation, says: "Promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened." O that this sentiment was deeply rooted in the mind of every freeman!! John Adams says, "The wisdom of the Legislature in making liberal appropriations for the benefit of schools, is a portent of great and lasting good." Mr. Jefferson says, "I look to the diffusion of light and education as the resources *most to be relied on* for ameliorating the condition, promoting the virtue, and advancing the happiness of man. A system of general instruction which shall reach every description

of our citizens, from the richest to the poorest, as it was the earliest, so it shall be the latest, of all the public concerns in which I shall permit myself to take an interest." Mr. Madison says, "Learned institutions ought to be the favorite objects with every free people; they afford the best security against crafty and dangerous encroachments on the public liberty; they multiply the educated individuals from among whom the people may elect a due portion of their public agents." Mr. Monroe, says, "Let us, by all wise and constitutional means, promote intelligence among the people as the *best* means of preserving our liberties." Chief Justice Marshall says, "I cannot be more perfectly convinced than I am, that virtue and intelligence are the basis of our independence, and the conservative principles of national and individual happiness." Benjamin Rush, one of the venerable signers of the declaration of independence, thus strongly expresses himself on this subject: "There is *but one method* of preventing crime and of rendering *a republican form of government durable*, and that is by disseminating the seeds of virtue and knowledge, through every par tof the State, by means of education; and this can be done effectually *only by the interference and the aid of the Legislature*. I am so deeply impressed with this opinion, that were this the last evening of my life, my parting advice to the guardians of the liberties of my country would be, establish and support public schools in every part of the State." And, De Witt Clinton, the founder of the great system of Internal Improvements, says: "The *first* duty of Government, and the surest evidence of good government, is the encouragement of education.—I consider the system of our Common Schools as the palladium of our freedom, for no reasonable apprehension can be entertained of its subversion, as long as the great body of the people are enlightened by education. I cannot recommend, in terms too strong and impressive, as munificent appropriations as the faculties of the State will authorize, for all establishments connected with the interests of education." These are the most venerable names in American history. It is not possible to cite higher authorities—and they all speak one language—surely theirs are the words of wisdom and of truth—surely a State should pause before it rejects the counsels of such men. I might add other names, but I forbear. Patriots and statesmen, the most distinguished in our land, bear undivided testimony in support of Common Schools. The Congress of the United States, have shown by their acts, that they consider the education of the people to be a matter of primary importance, by setting apart every 16th section of land, forever, for the support of colleges and schools, in all the new States formed out of the public domain. Most of the States of this Union, and those most distinguished for the wisdom of their legislation, are devoting their mighty energies to this noble cause. The New England States, New York, Pennsylvania, Ohio, New Jersey, and Michigan, are taking the lead. Their motto is, first educate the people, and all else that is wise and proper will be more easy of accomplishment; and when we look at the old world, we are amazed at what we behold—the sovereigns of Europe, making the education of their people the prominent object of legislation and governmental supervision. The Emperor of Prussia first commenced and established the best and most complete system of education the world has ever witnessed.—When Frederick William III ascended the throne, in 1797, Prussia was not ahead of many other nations in her system of education; but, by steady, persevering effort he, has blessed the earth with a matchless system: en-

throned himself in the hearts of his people, and become the admiration of the world. Whether it was to attach the people to his government, by making it indeed a nursing mother, or because he became convinced that an ignorant community are unavailable for every useful and noble purpose, and contains within itself the elements of destruction—a lesson that might easily be learned from the French revolution, and from the present state of Spain and Portugal, or whether it was disinterested philanthropy or all of these causes combined—certain it is, he has been a benefactor to his race, and his name will be mentioned in future ages with enthusiastic admiration, while others, who have become renowned by oppression and bloodshed, will be mentioned only to be execrated.

The emperors of Russia and Austria, observing the wonderful change wrought in Prussia, have adopted the same policy, and are now emulating the Prussian king, in providing a complete system of instruction for their whole people. The edict of that mighty autocrat, Nicholas of Russia, has gone forth, that every child in his immense dominions, extending from Poland to Siberia and from the White Sea to the regions beyond the Caucasus, shall be educated, as fast as the teachers can be obtained; and he is spending vast sums, and sparing no pains, for its speedy accomplishment. Nor is this spirit confined to these mighty empires; there is hardly a nation on the continent that is not awake to the subject of universal education, and beginning to walk in the footsteps of these great states. Even the Sultan of Turkey, and the Pacha of Egypt, are beginning to want teachers for their degraded people. France has determined to establish elementary schools in every section of the country. Lord Brougham has introduced a bill into Parliament for the establishment of schools in England; and meetings are being held throughout the whole country for the purpose of agitating the subject. The whole civilized world seems to have been aroused from its slumbers, and are combining in one mighty effort to spread light and knowledge among the people; and sad indeed will be the condition of that State that stands still and leaves the education of its people to chance or caprice. Shall we, whose very government rests upon the pillars of virtue and knowledge, do nothing to give education to those who are so soon to take charge of all its interests, while the monarchies of the old world are making it the paramount object of legislation? Shall our own glorious republic be outdone by kings in this noble work? Let us lay broad and deep the foundation of our government, that the superstructure may stand firm, when the elements of party spirit and sectional jealously shall rage in the land. Let the mind of the country be enlightened, and the Union *will* be preserved, and the gallant vessel of State, freighted with all our interests and the hopes of the world, will make her way through the rocks and the quicksands which have proved fatal to other republics. There is a spirit of agrarianism abroad in this land, on the one side, and a spirit of aristocracy, on the other, which threatens devastation and destruction to the country. The only power than can keep in check these fearful elements, and say to them thus far shalt thou go and no farther, is the general education of the people. It is vain to enact laws, and build jails, and prisons, if the people be ignorant; you cannot purify the streams, while the fountain is polluted; man needs knowledge to govern his appetites and control his passions. I feel proud, when I look over this great State, and see the roads that are making, and the rivers that are being opened, bringing us into contact with other States, and affording facilities

for importation and exportation; but if we leave our people in ignorance, we are only exposing our nakedness and degradation to the scorn and commiseration of visiters from all countries under the face of Heaven. The people of Kentucky are a proud and high minded people, and will not long suffer it. The Common School System has the principle of vitality in it—it must succeed. It is perfectly adapted to the genius of our government and institutions. It is left in the hands of the people. The majority of the voters in each district decide whether they will accept the system—what amount of money shall be raised to support the school—elect their own officers, and have power to make the schools just what they please. Nothing can be more democratic. Perseverance will ultimately cause the system to triumph. Nor ought we to be discouraged, should the people be slow in adopting it. It was so in other States. In Pennsylvania it was rejected at first by a vote of the people—now it is their idol. In despostic governments, all great enterprises can go forward without delay; but in a free government like ours, it requires time for public sentiment to be enlightened and concentrated; but when accomplished, it is stronger than the arm of any despot. The motives to move forward in this cuuse are too potent—the chords to be touched are too tender, to admit of fears of failure. Parental affection, patriotism, duty, pride, benevolence, and interest, are the tribunals to be addressed, and the voice of reason, of humanity, of patriotism, of conscience, and of interest, will not long be uttered in vain. Kentucky has too much generous pride to be considered the Bœtia of this new world—too much patriotism to see the institutions that were reared by the labor and toil, and bought with the price of the richest blood of her fathers, totter and fall—too much humanity to see more than one third of her citizens growing up in ignorance—too much sound, sterling, common sense, to see one third of the productive capital of the State unemployed—to pay an enormous tax to support aged paupers and criminals, when by paying an inconsiderable sum to educate all the children of the State these evils could, in a great measure, be avoided. That there are difficulties in the way, I do not wish to conceal; it is too glorious and great a work to be without them; but these difficulties *can* be overcome, and are not comparable to the difficulties which our fathers had to contend with, in making us a free and independent people, or to the difficulties of the early settlers of our State in felling the forest and driving out the Indian. What great work was ever achieved without difficulties? Can the internal improvements of the country go on without them? Are there not rivers to be spanned and mountains to be cut down or cut through, before our railroads and turnpikes can be constructed? And are not locks and dams to be made before our noble rivers can be made a perpetual highway? And yet should these noble works cease because of the difficulties in the way of their completion? It is humiliating to hear the descendants of the hunters and pioneers of Kentucky, (after admitting the desirableness of education, yea, its necessity, for the preservation of our insitntions,) say there are difficulties in the way, and it *can't* be done. It *can* be done, because it ought to be done. All that is wanting, is a proper appreciation of universal education, and an accommodating, conciliatory spirit, and the work is done; and without these our institutions can't last, and we are a ruined people. Let the idea become rooted and grounded in the minds of our citizens that there is no other way of rendering a republican government durable, but by educating the people, and the language of Jefferson will be

the language of every patriot, "Give it to us in any shape, and receive for the inestimable boon, the thanks of the young, and the blessing of the old." Guardians of the public weal, I appeal to you with confidence in behalf of what I conceive to be the vital interests of our common country. Her prosperity, I know you cherish with all the pride and ardor of patriotic feeling, and let it never be forgotton that all her prosperity is suspended on the virtue and intelligence of her children; that these are her strongest bulwarks, compared with which her ocean ramparts, and the thunders of her navy, and her chivalrous soldiery, are nothing.

Respectfully submitted.

J. J. BULLOCK, *P. B. E.*

# REPORT

ON THE

# GEOLOGICAL RECONNOISSANCE OF KENTUCKY,

## MADE IN 1838.

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BY W. W. MATHER,

GEOLOGIST AND MINING ENGINEER.

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EXECUTIVE DEPARTMENT,
*Frankfort, January* 3, 1839.

SIR:

I have received the accompaning report of W. W. Mather, the geologist appointed to make a geological reconnoissance of the mineral resources of the State. Permit me, through you, to lay the same before the house over which you preside.

JAMES CLARK.

Hon. ROBERT P. LETCHER,
*Speaker House of Representatives.*

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JACKSON C. H. JACKSON COUNTY, OHIO,
*December* 28, 1838.

SIR:

Having been appointed by your excellency to carry into effect a joint resolution of the General Assembly of the Commonwealth, to make a geological and mineralogical reconnoissance of the State, and submit a report thereon, together with a plan in detail, and estimates, for a geological and mineralogical survey of the State, I have the honor to report, that on receiving my appointment, I entered immediately on the discharge of my duties, and have made a reconnoissance of the mineral districts of Kentucky. Less time was devoted to this reconnoissance than would have been desirable, in consequence of other duties; but amply sufficient, it is believed, for the purpose intended by the joint resolution of the General Assembly, and sufficient to impress one with an assurance of the vast mineral resources of the Commonwealth, which have so long lain dormant beneath and on our soil, ready for the hand of industry and enterprise to apply them to the various useful purposes of life.

Less has been written on the mineralogy and geology of Kentucky than almost any State or territory in the confederacy, and it has probably been owing to the apparent uniformity of its minerals, and their small number in that portion of the State which is most densely populated, and which is appropriately called the "garden of Kentucky." Agriculture is almost exclusively the occupation of the people, and for this purpose the soil is admirably adapted. Few ores or minerals calculated to attract the attention, either by their beauty or their economical value had been observed, and the subject has not, therefore, attracted much attention, until the recent developements in other States, have caused the people to realize the importance of a knowledge of their mineral resources. The inhabitants of the mountainous parts of the State, and some of those in other portions, have long known of the valuable beds of coal, iron ore, &c., but even now, they are not properly appreciated as the elements of future wealth, and as the source of unlimited employment to a large manufacturing population. In consequence of a knowledge of mineralogy and geology not being generally diffused through the community, the people are neither aware what minerals may be expected to be discovered, nor in what situations to look for them, and even where particular minerals of value have been found, few know how to trace out their extent, or find the continuation of the beds in the adjacent hills and mountains. It has often been observed in examining the mining districts of the State, that the minerals worked, were supposed to be confined to the localities where they were found, when a slight knowledge of the elementary principles of geology, would have enabled the proprietor to trace the beds to situations where they would be more favorably situated for working and for transportation.

The internal improvement system which has been prosecuted so liberally under the enlightened policy of our statesmen, is now furnishing means of transport for our coal, iron, salt, agricultural products and manufactures to their appropriate markets.

As these public works were in part planned in reference to the transport of our mineral products, it follows as a consequence, that our mineral resources should be thoroughly developed, in order to give full value to these improvements already constructed, and to indicate the routes of future lines of transport which, the wants of the community may render necessary.

No State, probably, possesses such natural facilities for the transport of her mineral and agricultural products, and her manufactures as Kentucky. The Big and Little Sandy flow in the midst of a region of coal, iron ore, copperas and alum rocks, sand rock, &c. The Licking, Kentucky, and Cumberland penetrate beyond the agricultural into the very heart of the coal, iron and, salt regions, affording every facility for an easy interchange of such products as are not sent from these districts to a more distant market. So with Green River, it flows from the heart of the State, through a rich agricultural and mineral country. And since this region con ains an extensive coal formation far distant from any other in the valley of the Ohio, (except that portion of it which extends into Indiana,) it is reasonable to suppose that a large share of the coal which will be consumed in the valley of the lower Mississippi, will be drawn from the coal basin of the western part of Kentucky, and Indiana. It is well known that there are no coal beds on the waters of the Arkansas and Red rivers, until near the west boundary of Arkansas, and none accessible near the Mississippi, except near St. Louis, and

thence north to the Rock river. It is thought that the coal of the Green river valley can be shipped to the lower markets at as low a price as that of St. Louis, the Illinois river, and Mississippi above the Illinois, and probably cheaper, and will be able to compete with those mines, and perhaps have the preference in the market.

The amount of coal now consumed on the waters of the Ohio and lower Mississippi is very great, but I have not been able to collect accurate data for an estimate. It is used for domestic fuel, in Iron works, steam mills, and various manufactories, steamboats, and sugar boiling in Louisiana.*

The consumption is rapidly increasing in all the various purposes to which coal is applied, but the use for sugar houses and steamboats is going far in advance of the others. Those who have used coal on steamboats and in sugar houses, almost universally prefer it to wood, not only on the score of economy, but because it is easily regulated, and there is a greater uniformity in the heat. It is to be observed, however, that care should be taken in the selection of the coal for steam boilers to have it free from sulphuret of iron.†

The mineral districts are grouped in different parts of the State, and varied in their character and aspect as in their products. Coal, iron ores, salt, saltpetre, limestone for common and hydraulic lime, sandstones for building and firestone, limestone for building stones and marbles, clay for bricks and coarse pottery, shale for firestone, fire bricks and pottery, and pyrites for the manufacture of copperas, are among the most important mineral substances of economical interest.

These substances occur in abundance within the limits of the State, but few of the locations, comparatively, are either known or appreciated by the mass of the people. In addition to these are various valuable medicinal springs, petroleum or burning springs, and lead ore. Chalcedony, agate, and amethyst, such as are extensively manufactured in Germany into small ornamental articles and precious stones, are common in some parts of the State. The mineral districts of Kentucky embrace in the aggregate almost the whole area of the State.

The coal, iron and salt districts occupy about one fourth the area of the State, and are parts of the coal basins of the upper and lower Ohio.‡

The coal formation of the upper Ohio is very extensive, occupying, the eastern part of Ohio, the western part of Pennsylvania, Maryland and Virginia, and about 7000 square miles of the eastern part of Kentucky. The coal formation of the lower Ohio embraces about twelve counties in Kentucky, most of which are in the Green river valley, and thence extends across the Ohio river up the valley of the Wabash in Indiana.

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*The data thus far obtained, justify the conclusion that at least 1,000,000 bushels of coal are sent to market per annum, from the mines in the Cumberland, Sandies, Licking, Kentucky and Green rivers.

†This mineral is common in some of our coal beds, and may be easily recognized. It is yellow, hard and heavy, and is frequently mistaken for gold by those who are unacquainted with it; but its hardness and brittleness will enable any one to distinguish it. If put in the fire, it burns with a blue flame, and the odour of sulphur, and leaves a red residue which is the oxide of iron, and which is attractable by the magnet.

‡The terms upper and lower are convenient for conciseness in description, and we take the falls of the Ohio at Louisville as a natural division between them.

Hon. D. Trimble, in his report on the coal and iron trade of Kentucky, made to the Legislature at its last session, estimates the amount that Kentucky would furnish to steamboats, if all on the western waters used it, at 400,000 tons, which at 10 cents per bushel, and thirty bushels to the ton, would yield an annual income of $1,200,000. This estimate of the consumption of coal for this purpose is conceived to be a low one, as the population and business are rapidly increasing, so the means of transport must increase in a corresponding ratio.

The economy of coal over wood, as wood is rapidly decreasing in quantity, and rising in value, must necessarily cause its substitution as a means of motive power for transport within a few years.

During the reconnoissance of the past season, I had occasion to examine many of the coal mines which are now wrought in Kentucky. The system generally pursued is a very defective one, and must eventually cause a great expense to be incurred, or result in the abandonment of the mines.

Mines and beds of minerals are of public utility, and when exhausted they cannot be renewed; hence it becomes a matter of moment, not only to the proprietor, but to the people, the State, and the Nation, that they should be wrought in such a manner as shall produce the greatest quantity and best quality of the materials, with the least waste and expenditure of labor, time and money.

The course pursued in many of our mines, is to mine into the coal bed on the side of a hill, where the coal is in a position nearly horizontal, and excavate it until the roof falls in, or until the miner fears being crushed if he continues his work. This is then abandoned, and a new opening made at another point on the hill side. The hill sides are thus riddled with openings, where the rock above, for want of adequate support, has fallen down, which will make future mining both expensive and difficult. Such mines are always more wet than they would be under other circumstances.

No mines in the world are capable of being more easily worked than those in Kentucky. The strata of coal and iron ore are in a position nearly horizontal, dipping just about enough to permit the water to flow off, if the mine be opened on the right side of the hill. These materials are in such abundance in the hills above water level, and on or near important lines of water transport, that hundreds of years must elapse before it will be necessary to mine deep into the earth by means of vertical shafts. This method would cause a great expense for draining, like the mines of England, France, Germany, &c.

The principal cause of the defective system of working the mines, is undoubtedly due to the general fact, that they are worked by men of little or no capital, and hence, it is necessary for them to extract the mineral with the *least possible present expense*, regardless of the future good condition of the mine. For the same reason, those who mine the coal send it down in boats and depend upon a chance market. They thus sometimes make a handsome profit, but frequently, do not obtain enough to defray the expense of mining, transport and the boats.

This, like any other branch of business, in order to be conducted with the greatest advantage, requires the investment of a considerable amount of capital, in the various necessaries and conveniencies for mining operations, for transport to a market, &c. Incorporated or joint stock companies, which can command a large capital, and exercise an extensive sphere of influence,

must always have an important advantage over individual citizens, who can only use his own smaller capital and personal influence.

Chance markets for the coal now sent from the mines, ought no longer to be depended upon. There is always an unpleasant uncertainty, both for the producer and the consumer. Coal yards or depots should be established in all our principal towns, where coal can be collected during the proper season of the year, and thus give a certainty of supply to one party, and of profitable sale to the other. Another advantage would be gained, viz: when the supply is certain, so as to meet all the wants of the community, the consumption will rapidly increase.

### RECONNOISSANCE IN THE COAL DISTRICTS.

During the reconnoisance, coal was seen in many places where the people scarcely know of its existence. I will mention some of the places observed where coal occurs, some of which are worked, some are known to the inhabitants, and some have not before been known.

A coal mine at the level of the Ohio river is worked in the bed of Clear creek, near Henderson, and another in the bank of the Ohio river about 1 mile from Henderson. The bed is stated to be 3 feet thick, but was covered by the high water of the Ohio at the time of my visit.*

Coal is found in many places on the route from Henderson to Owenboro', in the banks of the creeks, in the hills, and in digging wells. Six miles from Henderson a gentleman dug through coal in sinking a well. It is mined on Lick creek near Green river.

The terraces in the hills, and which are so indicative of coal where it occurs in nearly horizontal strata, are easily traceable by the eye, and on examining along the road where it crossed these terraces in the hills, distinct indications of coal were observed. There can scarce be a doubt that all this region, from Henderson to Green river, and Owenboro', is underlain by beds of coal, although much of it is probably below the water level of the country, and would require drainage to work it. But as much of it lies so convenient to water transport, it will well repay this expense, when the demand and price shall increase. From Green river, the road between Henderson and Owenboro' leads along a natural ridge for several miles through the wet lands. This ridge slopes off gradually to the south, but abruptly to the north, with springs at its base. It resembles in many respects the natural terraces of the coal banks. It continues several miles to the N. E. of Owensboro', and several fine private residences are erected on it, as Mr. Triplett's, Judge Bibb's, and others. At Bonharbor, 3 miles N. W. of Owenboro', ¾ and 1 mile from the river, are several openings where coal has been dug in considerable quantities. The bed of coal is 30 or more feet above high water mark of the Ohio, and is stated to be 4 to 5 feet thick and covered by limestone 4 feet thick. This limestone bears some resemblance to that from which hydraulic cement is made in some parts of the country. I saw the coal and limestone at the mouth of the mine, but could not see either, in place, as the earth had caved in, and covered both the coal and limestone

*I may here be permitted to express my obligations to Edmund H. Hopkins, Esq. of Henderson, who gave me much valuable information upon tne coal of this part of the State.

beds. The coal bed forms a bench or terrace in the hills which is easily traced by a practised eye. The strata dip slightly to the N. W. Sandstone overlies the limestone in a bed 14 feet thick. Shale, one inch in thickness, intervenes between the limestone and coal, and shale forms the floor of the coal.*

Coal is found in the bed of the Ohio river about 1 mile above the mines. It is supposed by those who have endeavored to trace out the extent of this coal bed, that it underlies about 3000 acres of land. I should not be surprised if coal should be found every where around Owenboro', at some depth below the soil, by boring, as it is a part of the great coal formation of the Green river and Wabash vallies; but should this be the case, they could be of little present value, so long as they would require draining, while such an abundance can be procured from the Bonharbor hills without this expense.

Coal has been found in small quantities at Rumsey, at lock and dam No. 2 on Green river. It is not improbable that beds of greater or less thickness underlie the whole country between Owenboro' and Rumsey, but the country is so flat and marshy, that it could not be explored with advantage, if it lies below water level. A seam of coal of 8 inches was found at the falls in digging the foundation of the lock.†

Everlie's coal bed is ten miles southeast of Rumsey. The coal is three feet ten inches thick, overlaid by thick bedded sandstone. The coal is more or less mingled with pyrites; but that which I saw, would not be injured for ordinary uses by the quantity of this mineral contained in it. There are some appearances indicative of a coal bed above, and of another below, in the same hill, but no opening has been made to ascertain whether there are coal beds of workable thickness. The mine, at this place, is 70 or 80 feet above low water of Green river, and about 400 yards from its banks.

Coal was again observed about five miles south of Everlie's bed, about 30 feet above the river, at the base of a cliff of sandstone, which is extensively quarried for the locks and dams below. The quarry and underlying coal are on the immediate banks of the river. The coal is three feet thick, and contains pyrites. Passing thence up the river valley, the hills have the aspect of coal and iron ore deposits. Traces of iron ore were observed in many places.

On Pond ceek, at Vaught's Mills, two beds of coal are opened. The lower coal is near the level of the creek. It is 4½ feet thick, overlaid by shale. The shale, about 12 to 20 feet above the coal, is filled with layers and nodules of iron stone. Sandstone overlies the shale, and continues some distance up the hill. At about 70 feet above the lower coal is another seam of coal six feet thick. It contains some shale, and is covered by a bed of shale, and this latter is overlaid by a thin bed of limestone. Nodules of iron ore, some of which contain blende, occur in the earth arising from the decomposition of the shale, about 15 or 20 feet above the coal.

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*This coal tract is owned by Robert Triplett, Esq., and must undoubtedly soon be extensively worked, to furnish coal for steam boats, and for the southern market where large quantities are used in sugar boiling.

†I am under many obligations to Mr. Livermore, the Engineer of the Green river navigation, to Maj. Dyer and Dr. Johnson, of Rumsey, for much local information and many kindnesses.

Buckner's Iron Works are situated five miles southeast of Greenville. Mr. B. has erected a large blast furnace with the intention of smelting with coke. He has an abundance of coal in the vicinity, and of ore also. One of his main beds is a slaty argillaceous and calcareous carbonate of iron, as I should judge from its aspect, (for I have not analyzed it.) This ore bed is *fifteen feet thick*. He has another heavy ore bed of the oolitic and earthy hydrated per oxide of iron, or limonite, filled with fossil shells. The hills all around Greenville contain indications of iron ore, but no minute explorations have been made to determine the extent or thickness of the beds.

At one of the coal banks, about three quarters of a mile S. W. of Buckner's furnace, and near the slaty ore bank, is a distinct fault of about five feet. There are here two distinct beds of coal; the upper, about sixteen inches, and the lower, about thirty inches thick, separated about four feet. There is more apparent derangement in the stratification of the rocks in this vicinity, than I have seen in any other part of Kentucky.

A coal bed, three feet thick, is in the bottom of Mr. Baker's well, thirteen miles S. E. of Greenville. The country between these places is hilly, with frequent traces of coal and iron ore. This is near the southern limit of the Green river coal field. The limestone is only three or four miles south of Baker's; and no coal is found, south of the edge of the limestone, nearer than Alabama. Buckner's Furnace is also near the southern boundary of the coal field. He has exchanged coal for corn, bushel for bushel; the former being carried south, into the limestone region, for blacksmiths' uses. Mr. Baker lives on Jacob's branch of Clifty creek. The sandstone of the coal measures shows itself in many places in the vallies of both these streams.

Another point on the S. boundary of the coal field of Green river is near Muddy river, on the road from Greenfield to Bowlinggreen.

Coal may perhaps be found in the caps of some of the high hills near Waggoners, where the turnpike from Louisville to Bowlinggreen crosses Green river. It is not to be expected however, where there is not a thickness of 100 feet of sandstone above the limestone.

Somerset, in Pulaski county, is a few miles W. of the western margin of the upper Ohio coal field, and which occupies the eastern part of Kentucky. It is not impossible, however, that there may be coal in the caps of the highest hills within two miles of Somerset. The limestone every where underlies the coal formation in Kentucky in both the coal basins, but it changes in character on the north, and in Ohio becomes a fine grained sandstone. A fine section of these rocks is exposed on the banks of the Cumberland, on the road from Somerset to the South Fork. The hills along the South Fork of the Cumberland contain coal, and all the rocks of this formation are here observed, superposed over the cavernous limestone, which contains all the great caves of Kentucky; and which, in Kentucky, Illinois, Missouri, and Arkansas serves, (as I know from personal observation,) as a floor for the coal formation.

John Beatty, Esq. who lives at the mouth of the Great South Fork, and to whom I am under many obligations, has opened a small seam of coal about 2 miles S. from his house, in the hills. It is believed that there are beds in these hills of a workable thickness. The same terraces occur here in the hills, as in the coal deposits that have before been described. Coal is worked on the South Fork of the Cumberland. A. Snyder, Esq. engineer, has thus

described the worked coal and the associated rocks, in the engineer report of 1837, p. 119, 120:

"Coal is found in great abundance, and is first mined about sixteen and a half miles above the month of the river, where the vein is said to be about three feet thick; it is hauled half a mile to the boat landing.

"Immediately before the mouth of the little South Fork, twenty five and a half miles above the mouth of the great South Fork, a vein, varying from three feet eight inches to four feet six inches in thickness, has been worked for several years. And at about half a mile above the Little Jumps a vein has also been opened, from which several boat loads have been taken.

"Thence to the crossing of the proposed road from Louisville to Knoxville, veins of coal of various thickness may be found; the only one examined was two and a half feet thick.

"It is said that a vein, four feet thick, has been found on Bear creek, which enters the river immediately above the crossing.

"The coal appears to be good, and burns freely in a grate, but is accompanied by sulphuret of iron..

"The formation of the rocks is regular, the strata having a dip which is very nearly the same throughout.

"Bituminous shale is found at the surface of low water, at the mouth of the river, overlaid by limestone, in thin layers, of a light color, with nodules of black flint adhering to the surface of those rocks which are exposed to the action of the water. At three and a half miles up the stream, a vertical cliff of limestone rises three hundred feet above the water, and at fifteen miles, the cliff appeared about two hundred feet high, having some fragments of oolite limestone at its base; at twenty miles the height was not more than seventy feet—it was composed of thin layers, chiefly oolitic; and at twenty three miles the bank, at the edge of the water, was covered by thin fragments of sandstone, and large masses of conglomerate. From thence to the thirty fifth mile, where the limestone was last seen, in a cliff of only about twenty feet high, it is more or less hidden by fragments of fine sandstone, and sandstone conglomerate; the hills having gradually increased in height, with cliffs composed of thick beds of conglomerate on top, and thence, to the crossing of the proposed road, the rocks did not form cliffs sufficiently abrupt to afford an opportunity of tracing them out. Three seperate strata or veins of coal are found among these beds of sandstone. The upper one is said to be eighteen inches in thickness, at a distance of about eighteen feet above the second, which is from three feet ten inches to four feet six inches in thickness; the third is about sixty feet below the second, and is only six inches thick.

"The only article of trade is coal—two boat loads, of about two thousand bushels each, have been sent from the lower coal bank; and from the second about sixty thousand bushels have been sent, and twenty thousand more were ready to be sent down the river. Coal has also been sent from the mine above theLittle Jumps, but the expense of hauling past them, to the landing, has caused it to be abandoned."

Mr. Snyder has, also, made many observations and measurements along the Cumberland and the Rockcastle, in the coal region, that are deemed of much importance, not only in statistical details, but in affording important data for the geological investigations that may hereafter be made. The following extracts from Mr. Snyder's reports, are quoted from the Engineer report of 1837, pages 114, 116. and 105, 106:

"There appears to be abundance of coal, at different points between the falls and the mouth of Buck creek, a stream which falls into the Cumberland about seven miles above the Great Shoals. There are only three points at which it has been mined, the highest is about half mile above the mouth of Laurel, where there are said to be four veins; one in the bed of the river; another twenty feet above the water, and about two feet thick; a third about thirty five feet above the water—forty inches thick; and a fourth, said to be sixty or eighty feet above the river, being four feet thick.

"The third vein is that from which two boat loads have been mined, and from which they were obtaining coal at the time the survey was made. The second mine is a little more than a mile below the mouth of Laurel, on the left bank of the river, being on the same side, and apparently the same vein which is worked above. It is about thirty five feet above the water, and is forty inches thick. Two boat loads have, also, been sent from this place.

"From this point to the commencement of the principal mines, about eighteen miles below the mouth of Laurel, it does not appear that any coal has ever been mined for market, but in a distance of one and a half miles farther down the river, many mines have been opened; some of which are being worked at present, and others have been abandoned.

"There are said to be three veins of coal; the highest is from four feet to four feet ten inches in thickness, and is about three hundred feet above the level of the river; the second vein is about twenty feet lower than the first, and is one foot six inches in thickness. Coal has been obtained from each of these veins, but the upper one is that from which the coal sent to market has been mined.

"The principal mines are opened on the right side of the river, at the distance of about one and a quarter miles from it, so that the coal must be hauled that distance to be put on board the boats. The large vein has, also, been opened on the left bank of the river, at the distance of ten or twelve hundred feet from it. A small railway has been laid down from the mouth of the mine to the top of the cliff, from whence the coal is sent down to the landing by means of a self-acting inclined plane.

"It is said that in 1827, the first coal was taken from these veins to be sent to market, and that in 1828 only five boat loads arrived at Nashville. In 1829 the first drift, or under ground working, was commenced—all coal previously obtained having been cut from the crop or edge of the vein, where it comes out to the surface of the ground. From 1829 until 1834, probably from twenty five to thirty five boat loads, per annum, averaging seventeen hundred and fifty bushels each, have been sent from the landing; and from 1834 until 1837, from seventy five to one hundred boat loads, per annum, averaging three thousand five hundred bushels each, had been sent down the river.

"Sixty thousand bushels had been shipped previous to the time when the survey was made, and thirty five boats were then loaded and ready for a tide.

"It was found, by leveling up to the tide marks, that a rise of sixteen feet and eight tenths was required, at the coal landing, to enable boats, drawing four feet of water, to pass the Great Shoals with safety; boats of a lighter draft are sometimes sent when the water is only twelve feet above low water mark.

"I was informed that the cost of mining and delivering coal, at the mouth of the mine, is two and a half cents per bushel; hauling to the landing, five and a half cents per bushel; loading, one half of a cent, and baling the boat one half of a cent per bushel: making a total cost of nine cents per bushe in the boat. An average boat carries thirty five hundred bushels; it costs one hundred and forty dollars, and sells for thirty five dollars. The cost of transportation is one hundred and twenty dollars.

| | | | |
|---|---|---|---|
| 3,500 bushels of coal, at 9 cents, | 315 | 3,500 bushels of coal, at 23 cts. | 805 |
| 1 boat, - - - - - | 140 | 1 boat, - - - - - | 35 |
| Pay of hands and expenses, - | 120 | | |
| Total cost at Nashville, | $575 | Value at Nashville, - | $840 |

Leaving a net profit of two hundred and sixty five dollars—from which must be deducted a proper per centage for risk.

"If the information received is correct, the present prodnce of the mines is three hundred and fifty thousand bushels per annum, equal to eleven thousand six hundred and sixty six tons; and the whole amount sent from the mines since 1828, one million one hundred and forty five thousand bushels, equalling thirty eight thousand one hundred and sixty six tons.

"Iron will, no doubt, become a considerable article of transportation at some future time, as there are abundant indications of the presence of ore at various points along the river.

"The products of agriculture, above the Great Shoals, are very limited in their amount. About one hundred corn boats, carrying four hundred barrels each, and from twenty to twenty five tobacco boats, carrying sixty hogsheads, weighing 1500 lbs. each, are said to be sent annually from the lower part of the river.

"The formation of the rocks is very regular throughout, commencing at the falls with a sandstone, and sandstone conglomerate, in thick beds, with white quartz pebbles, which are more numerous in the upper than in the lower strata. The cliffs rise to a height of four and five hundred feet above the water, and the strata have an inclination in the direction of the stream of a half a degree or more. Near the mouth of Laurel the coal veins before described are found in the face of the cliffs, and two miles below, the limestone rock first makes its appearance level with the surface of the water, From thence it gradually rises, and forms cliffs at various points throughout the whole distance to the Tennessee line.

"At four miles below the mouth of Laurel, the upper stratum appeared to be eight feet above the water—it was crystaline, and about two and a half feet thick. At six miles below the mouth of Laurel, it forms a cliff rather shelly, and about ten feet high, the strata being very nearly horizontal. At eight miles it is twenty feet above the water; and sixteen miles the beds of limestone are blue, having petrifactions of shells and plants, together with small nodules of black flint. At the Great Shoals, the cliffs are three and four hundred feet high containing flint petrifactions. These cliffs extend throughout the length of the shoals and to the mouth of the Great South Fork, where a stratum of bituminous shale appears at the surface of the water. Eight miles further down, this bed of shale rises three feet above the surface, and at twelve miles, it is forty feet high. At sixteen and a half miles, a bed of limestone appears at the surface of the water, very full of

petrifactions; and at thirty six miles below the mouth of the Great South Fork, the cliff was composed as follows: base, thirty feet of blue limestone; next above were ninety feet of black slate or shale, surmounted by fifty feet of yellow sandstone; and on the top were eighty feet of blue slate or shale—total 250 feet. At seventy nine miles, the hill appeared to be composed as follows: one hundred and eighty feet of limestone at bottom, overlaid by fifty feet of shale, twenty of yellow sandstone in thin layers, and seventy of shelly limestone—total 320 feet. Thence to the Tennessee line, the cliffs are from two hundred and fifty to three hundred feet high, with numerous shells and other organic remains. Sandstone and shale are not found except at a distance from the river."

On Goose creek, coal is said to abound, and to be dug in many places for the salt works, and for domestic use. The necessity of meeting an appointment on a fixed day, at Irvine, prevented my visiting the coal deposits and salt works of the Cumberland and of Goose creek.

The road from Somerset to Mt. Vernon, passes near the west limit of the coal formation. Most of the rock is the limestone, which is the floor of the coal formation; but sandstone is observed in passing over many of the knobs, and iron ore occurs in many places on this route. It is not ascertained whether it occurs in workable quantities. A thin bed of coal occurs in the hills at Mt. Vernon. Its situation is believed to be similar to that of a thin bed that is very common through the country between this place and Irvine, above the cavernous limestone, or below the conglomerate rock.

At Irvine, on the Kentucky river, the cavernous limestone occurs in the high hills, and the highest are capped by sandstone and conglomerate. It is probable that the thin coal bed, above referred to, may exist between the sandstone and the limestone, but it is scarcely probable that it will ever be worked, so long as the beds on the bank of the river, near the forks, are productive. Irvine may be considered as the extreme westerly boundary of the coal formation, and coal cannot be expected in any quantity there. Slate, with its imbedded hydraulic limestone and iron ores, forms the mass of the hills from the river to an elevation of 200 or 300 feet.

As the strata of rock dip slightly to the E. S. E. in ascending the Kentucky river, from Irvine to the Forks, we pass, in succession, over the rocks that overlie each other, and which are seen in the hills at Irvine. At about 12 or 14 miles above Irvine, we have passed over the slate rock which has plunged below the bed of the river, although at Irvine it formed the mass of the hills for 200 to 400 feet high. Limestone then succeeds in high cliffs along the banks, but this in its turn, also, sinks below the stream after ascending to the rock shoals, about 3 miles below the mouth of the South Fork, and disappears from the banks of the Kentucky and its tributaries.

The limestone is succeeded by high bluffs of sandstone and conglomerate, which also sink below the stream as you continue to ascend. The rock passes along the limestone bluff for a mile or two on the shelf or terrace at the junction of the limestone with the sandstone, and finally the second bluff or shelf of sandstone succeeds, which is 70 to 100 feet thick. Here we evidently came on to the coal measures, although no coal was seen. The hills have all the characters of form, soil, sandstone, slate and decomposed shale of the coal measures, with frequent indications of iron ore, and with occasional traces of black earth from the disintegration of coal. These offer sufficient evidence to satisfy any practised eye. Near the Rock Shoals at the

mouth of Sturgeon creek, a fine coal bank has been opened. Mr. Welch the Chief Engineer of the State has examined it. Coal mines are opened along the Kentucky river near the mouth of the South Fork in great numbers, and in the banks of the small streams which enter the river on the right bank. The coal is from 3½ to 4½ feet thick and is of good quality. Too little care is taken to pick out the pyritons coal, some of which is found among that of good quality, and which when sent to market, may injure the reputation and market price of the coal. The strata dip slightly to the E. S. E. but they are moderately undulating. Some of the mines drain themselves by the natural slope of the rock; others require a drain, or pumping or bailing to keep them dry, even in the same face of the hill, and where the adits are parallel to each other. Some of the mines, in what seems to be the same bed of coal, have a slate roof, and others one of solid sandstone. These mines are situated in the hills near the river, and about 80 or 90 feet above it. It is believed that at least two beds of coal are found in these hills. Coal is found in all the river hills from the mouth of the South Fork for a long distance up the stream.—Few of these mines have been carried more than 60 to 80 feet into the hills.

Passing from Mr. Maguire's, near the Middle Fork, over the hills to the mouth of Troublesome creek, the sandstones and slates of the coal measures were every where observed. Numerous thin seams of coal were seen from 6 to 30 inches in thickness in the banks of the water courses, and in the hills of the river valley. There is some good land for tillage along the water courses, but the valleys are generally very narrow, and appear to have been formed by the erosive action of flowing water, since the layers of rock on the opposite sides of the vallies are at about the same elevation, and their planes coincident, as though they had been once continuous, but since worn through and washed away by the flowing water. The country is but thinly settled, as there is little land adapted to tillage, and it is considered impassable for wagons. Bridle paths are the only roads, and there is no means of transporting any of the produce of the country to a market, except by flat boats at high water, or on pack hoses.

Coal was seen in the valley of Caney creek, and in the fork of the creek between Col. Haddock's and the mouth of Troublesome, but the beds, where exposed, were thin.

The mines of cannel coal are on the left bank of the North Fork of the Kentucky, nearly opposite the mouth of Troublesome creek. Those most extensively worked belong to Mr. Haddock. They are situated in the river hills, about 273 feet above low water of the river.* Openings have been made along the hill, at short intervals, for some hundred yards, but the people have not traced it in the adjoining hills, although it undoubtedly exists in them, in the direction of the continuation of the stratum. The coal bed is 4 to 4½ feet thick. The upper part of the bed is common bituminous coal, from 10 to 16 inches thick, and breaking into cubic or rectangular fragments. This bituminous coal does not cake in burning. The cannel coal forms a thickness of about three feet. It is very similar, in its mineralogical characters, to that of England and Ohio. It kindles very easily, even with a candle, as I have been told; burns very freely, with a brilliant white blaze, and with-

* Vide Mr. Foster's Engineer Report, 1838, page 72.

out emitting the black, sooty, and flaky smoke, like that which is given off by the coal of Pittsburg, Wheeling, and Brownsville. This cannel coal is very highly esteemed for domestic use, and very justly so. It makes a very brilliant and clear fire, with little smoke or dust, and is particularly adapted for parlour fires. I saw no sulphur in any of this coal. It is said to be found, however, in the mine, in lumps at the bottom of the bed of coal, but it is not disseminated, and is easily separated.

This cannel coal is mined with difficulty, on account of its hardness, and its breaking equally well in every direction. There are seams in this coal which divide it into blocks of several hundred pounds weight, but the miners cannot easily get them loose. It costs more to mine this coal than the common coal, and it ought to command a higher price in the market.

A coal bed, about 1 to 1½ feet thick, occurs in the bed of the Kentucky river, near Mr. Haddock's house. It is the common bituminous coal. It dips slightly, and disappears beneath the waters of Troublesome creek. Coal was observed in the valley of Frozen creek, but the seams are thin. Indications of coal were frequently seen in passing from Frozen creek to Hazlegreen, but the country is almost entirely in a state of nature, and impassable, except on foot or on horseback.

Coal is stated to be abundant near Hazlegreen, in all the hills. Thin beds of this combustible were seen in the beds of the creeks, but these were too thin to mine with advantage, except when they are laid bare on the streams, or require but little stripping. Much coal has been loaded into boats, and sent down the Licking, which was taken from the bed of the river, at low water, a little below West Liberty; and several places were seen, and others were mentioned to me, where the same has been done in the beds of the North and Middle Forks of the Kentucky. The expense of mining the coal in this way is very trifling. It is merely prying up so much rock, which is easily effected. At another place, near West Liberty, coal underlies the alluvial bottom a few feet, and a small expense of stripping, uncovers the coal; and each boat, for its load, removes an area of coal from the bed equal to its own area. Each boat carries about 3,000 bushels.

A coal bed was observed in the bank of the Elk Fork, three or four miles from West Liberty. It was about 1 to 1½ feet thick.

"Iron ore is first found in the vicinity of the river, at Ringo's Mill, 140 miles above its mouth. Ore beds of about four feet in thickness occur in the hills on the left bank, and extensive beds are found in the hills on the opposite bank, near Fox creek.

"The iron district, on Slate creek, was accurately described in the report of the Chief Engineer, last year, as also beds of it in the vicinity of Bear creek.

"My own examinations have led me to believe that the iron ore which occurs near the river from Cane creek to Beaver creek, at distances between 180 and 193 miles from the mouth of the river, is more abundant and of as good a quality as in any other part of the State. The ore is found in veins of from five to fifteen feet thick, near the basis of the hills, and in beds of from three to ten feet thick near their summits, and is found overlaying the stratum of limestone which has been above described.

"Iron ore is also found in most of the hills between Slate creek and West Liberty, and near McClure's mill, the beds are very extensive.

"The *coal district* on the upper part of the river was accurately described in the report of the Chief Engineer above referred to.

"My own examinations have led to the discovery of a number of veins which were not known to exist last year, but as yet none have been found of greater thickness than three feet two inches. One mile above the mouth of Blackwater, three veins have been discovered, overlaying the stratum of limestone which passes under the bed of the river at this place. The lowest one is 30 inches thick, and is separated from the limestone by strata of clay-colored slate of about fifteen feet in thickness. The next vein is eighteen inches thick, and is found in a plane about twenty feet high. The third vein is found about ten feet higher up the hill. The two latter veins are separated by strata of sandstone and shale. From Blackwater to West Liberty, veins of coal are found at almost every point where the mountain stream has washed the earth from its bed, and uncovered the rocks which compose the hills. Two miles above Blackwater, three veins occur in the same relative position as those last described; the lower one being three feet thick. One vein three feet thick is found opposite the mouth of Greasy creek, and in the vicinity of West Liberty two veins occur, which are three feet two inches thick. Thinner veins occur all over the country."* On the State road from Owingsville to the mouth of Big Sandy, the coal formation is observed to commence not far from the crossing of Tygart's creek. The iron ores at the base of this formation, were observed in the greatest abundance in the hill tops of the first divide of the western waters of Tygart's creek. Coal was seen cropping out on the road side about two miles from the cross roads, near Carter C. H., near a Mr. Carter's house. Coal in thin beds abounds in the vicinty of Carter C. H., and it is supposed that thick beds may be found by exploration. One seam of coal 3 feet thick, and of excellent quality, is worked near Carter's Salt works.† A coal bed is worked near Hon. David Trimble's, on Little Sandy, for the supply of the Argillite Furnace.‡ It consists of two seams of 18 and 24 inches, separated by 10 inches of slate; they are worked as one bed.

Of the coal of Greenup county, Mr. Eastin, of the State Engineers, remarks: "There is at all the furnaces, except Raccoon,‖ owned by D. Trimble & Co., mines of stone coal; they lie below the iron and in the same ridges; the coal is highly bituminous, of second quality, but burns well, and is in large quantities; the engines at the furnace are driven with it, and it is used for all the purposes of the manufacture of iron except smelting. The coal beds vary in thickness from 2 feet to 3 feet 10 inches, and in all instances the drift or entrance to the coal has a declination of one foot in about 30. The strata above the coal is sand or slatestone, and under it slate and blue clay; the colliers can dig about 70 bushels per day each, and deliver it at the entrance of the drift. Its average cost per bushel, delivered at the engines, is from 3 to 7 cents."

The details here mentioned are brought forward to show merely, that if a casual glance, by rapidly traversing through the country, can exhibit such an abundance of coal deposits, we may expect much more to come to light by a careful examination.

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* Vide Report of Mr. Buford, one of the State Engineers, page 95, 1137. †Idem, page 100.

‡ Idem, page 99.

‖ Mr. Trimble has lately opened a fine coal bed near the Roccoon Furnace.

I have already had occasion to remark upon some of the iron ores of Kentucky. They are found in four different geological positions in the State.

The most recent is *bog ore;* it occurs in marshy grounds, and near mineral springs, which are more or less charged with iron. The waters of these springs deposit it as they lose the power of holding it in solution, either by evaporation, or by the extrication of carbonic acid.

This ore is not so common or abundant as the others.

The next in order, is the ore of the coal formation. It is in some places, clay iron stone, or carbonate of iron, in layers, or else in courses of nodules, in the shales and fine sandstones of the coal measures; in others, it is limonite, or hydrated peroxide of iron, in composition. The latter ore is very extensively used in the furnaces in Greenup county, where it is exceedingly abundant. It is known by the names of block ore, and kidney ore, according to its form. When it forms strata, it breaks out in rectangular masses or blocks, and when in courses of nodules, it comes from the ore bed in round lumps, from a pound to 100 pounds in weight.

Limonite, also, forms extensive beds in connection with the limestone at the base of the coal measures, which overlie the slate rock of Kentucky. It is extensively worked for furnaces.

The ore of the slate formation has been already described as a calcareous clay iron stone, or a carbonate of iron and lime.

There are, also, many beds of limonite, or hydrated peroxide of iron, at, or near the junction of the slate with the subjacent limestone.*

All the iron ores in the various geological positions above named, are worked for furnaces in some one or more localities, in different parts of the State. Iron ore is not confined to the coal district of Kentucky, but is diffused more or less abundantly in every section of the Commonwealth.

In the coal regions of eastern and western Kentucky it abounds, and can never be exhausted. It is supposed, from the observations already made, that on 12,000 square miles, there may be an average depth of one yard of iron ore, in the coal formation alone, without counting the slate and limestone regions, where there is probably as much more. Each cubic yard of this ore will yield, on an average, one ton of bar iron, or 5000 tons to the

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* A fine example of this may be seen at the ore bed, near the Slate Furnace, about four miles from Owingsville. The ore, at the first glance, presents an appearance resembling confused and contorted stratification; but, on close examination, it is found to be owing to the close aggregation of a great number of huge geodes, with concentric irregular layers, each having a cavity in the centre. In many parts of the ore bed, the ore is a perfect ferruginous oolite, composed of an aggregate of small, spherical grains, of the size of mustard seed, cemented by a matrix of the same composition. The ore is limonite, or a hydrated peroxide of iron in chemical composition. Its junction with the subjacent limestone was not seen. It has been worked around the edge of the swell of ground of which it forms a cap, to the depth of 12 to 15 feet, without reaching the bottom, and many suppose it to be 30 feet thick. Estimating its thickness at 15 feet, every acre of this bed will yield at least 25,000 tons of bar iron. The area underlaid by this ore bed was not ascertained, but it is estimated that at least 20 or 30 acres exist there, and if we take the surrounding hills into account, which probably contain the same bed, there may be several hundred acres. This ore bed has been worked since the first settlement of Kentucky.

acre, or 3,200,000 tons to the square mile, or 38,400,000,000 tons on the 12,000 square miles, a quantity sufficient to supply a ton of iron, annually, to every individual in the United States, (estimating our population at 15,000,000 of people,) for 2,560 years.

Our ores too, instead of being accumulated in one mountain mass, like those of Missouri and Sweden, where but few furnaces can be supplied with the combustible necessary for their reduction, are spread over a great area of country, where the fuel, the water power, and every facility for manufacture, exists.

In the part of the State, on which the calculation is based, when the population shall become too dense to permit *charcoal* to be the reducing agent, bituminous coal, of the best quality, may be substituted and dug on the spot; it may be used without coking, as it does not cake and run together in masses which might clog the furnace, but each piece keeps separate, and forms porous lumps of beautiful coke. The coking takes place at the trundle head of the furnace, and the heat arising from the burning bitumen may be economized in heating a large air chamber, through which the tubes for the hot blast may pass. This method, in part, is already practised in the high furnaces, in the highlands of New York, where much wood is thrown in with the charcoal of the charge, and its blaze serves to increase the high temperature of the hot blast.

Charcoal-made iron, is better than that made with coke; but the period is believed to be not far distant when the coal formations of the valley of the Ohio, like that of South Wales, shall be illuminated by their iron furnaces, and that they will be the great workshops of our country.

The counties of Greenup, Lawrence and Scioto, bordering on the Ohio at the western outcrop of one of these formations, already show the fires of more than 20 furnaces, and these are considered only as the beginning of the iron business, in even this limited area.*

### LOCALITIES OF IRON ORE.

Iron ore is said to abound in the hills on Rough creek. Maj. Dyer of Rumsey, who gave me this information, showed me a piece of lead ore (galena) from the same hills. A vein of this ore is said to occur there.

Traces of iron ore were observed in the hills between Lewisburg and Rumsey, and important beds may probably be found by a careful examination; also, near Lewisburg; also in connection with the coal beds at Vaught's mills on Pond creek. The lower ore bed consists of a bed of shale, with

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* Hon. David Trimble made an able report to the last Legislatnre on the coal and iron interests of Kentucky, and to that gentleman I am under obligations for many interesting and important facts observed in the N. E. part of the State. I may here be allowed, also, to express, publicly, my sincere thanks to Sylvester Welch, Esq., chief engineer of Kentucky, for the aid he afforded me in the prosecution of my labors. He has not only been a close observer, personally, of the mineral resources of Kentucky, but has also given instruction to the corps of engineers of the State to make particular notes of the mineral products of the lines of surveys of streams. roads, &c. with measurements of the thickness, &c. of the different rock formations, and these are entered on the maps plotted in the Engineer's office. They will afford important aid in prosecuting the geological survey, should the Legislature authorize it.

nodules and thin strata of iron stone imbeded. It is exposed on the road side, about 20 feet above the lower coal mine. Ore was also observed in the decomposed shale above the coal mine above. It did not seem to be sufficient in qantity to justify exploration. This ore was mostly limonite, and some of the masses contained some blende.

Iron ore abounds in the hills 5 miles S. E. of Greenville, near Buckner's Iron Works, in Muhlenberg county. Some of the beds are very thick, and, undoubtedly, they are extensive. One of Mr. Buckner's ore beds is 15 feet thick. Mr. B. has another heavy ore bed, the ore of which is oolitic, and filled with fossil shells. The latter bed I did not see, although I saw specimens of the ore, which is limonite, and appears like an easy working ore. Indications of iron ore were seen in the hills about Greenville, and on the road from that place to Glasgow, in many places.

Argillo calcareous carbonate of iron, or clay iron stone, abounds in the slate hills east and north of New Haven in Nelson county. It occurs in balls, nodules, and layers, in the slate, and this rock is here interstratified with the limestone. Where the slate formed the caps of the hills, and has decomposed into clay, the balls and nodules of ore lie upon the surface, or in the soil, varying from a few pounds to a ton in weight. They are also frequently found in great numbers in the ravines, where the water has washed and crumbled away the slate leaving them unchanged. They are heavy, gray in the inside on a fresh fracture, and brownish on the outside. This ore is extensively used for making iron in the Nelson Furnace.

About 2 or 2½ miles from New Haven, on the grade of the new turnpike, the ore was seen in its natural position in the slate rock, which was partially decomposed, and the nodules already beginning to tumble out. The hills had been cut down to form the grade only a year or two, yet the rock was in a state of rapid disintegration, and crumbling to pieces to form a clay.*

Iron ore in small quantity was seen 13 miles from Bardstown, on the turnpike towards Louisville.

Near Frankfort, on the hills, small nodules of iron ore were observed, but there are no apparent indications of its existing in such quantities as to be of any importance.

About one and a half miles from Standford, on the road to Danville, large masses of iron ore, like bog ore, were observed by the road side. They had been dug up in excavating for the grade of the turnpike. It was not ascertained whether it existed in large quantities. At a salt lick about 1½ miles from Standford, iron ore is said to occur.

Slate was seen interstratified with the limestone a mile or two from the foot of Muldrow's hill, on the road from Standford to Somerset, and iron ore was seen near the same place. It appeared from the surface indications, to be rather abundant, but whether it exists in any valuable quantities is not known, and is a fair subject of investigation.

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*This material, slate, may, without doubt, be usefully employed as a stimulant manure, or as a marl to many of our soils. It possesses several of the requisites of a good marl, viz: it crumbles readily by exposure to the weather and frost, and it contains calcareous matter mixed with the argillaceous material that forms its base; and besides, it was observed in several places to contain veins of crystalized sulphate of lime or gypsum. It also contains pyrites and lime, which, by decomposition of the rock, will form gypsum, which is well known as an important mineral manure for clovering, as a preparation for other crops.

Indications of iron ore were seen about three miles from Somerset, on the road to Standford.

A layer of brown oxide of iron, (limonite,) analogous to the more compact varieties of hematite, of about one foot thick, was seen about 1 or 1½ miles from Stigall's ferry, on the road from Somerset to Monticello. It is in Wayne county.

In the hills, bordering the South Fork of the Cumberland, indications of iron ore were seen. The ore was of fine quality, and easy to smelt, but the quantity could not be ascertained without minute explorations. Mr. Snyder, the Engineer, who made the survey of the South Fork of the Cumberland, in eighteen hundred and thirty seven, found small quantities of ore in many places. He was told that extensive beds had been discovered about eight miles above the mouth of this stream. Should these beds be ascertained to be extensive and of good quality, as well as those indications which I observed in that vicinity, they would be valuable, as there is every facility for manufacturing iron with advantage. There is an abundance of water power in the river, and besides, there are several limestone springs that have an abundance of water for carrying all the machinery for iron works, and located on the immediate banks of navigable streams. Furnaces might be erected next the face of the vertical limestone cliffs at Beaty's, and at Long's, and have the trundle head at the general level of the country, and with a fall of water between the springs and river, sufficient to be used twice over, on wheels of the largest kind; while the pigs of iron could be slid directly to the boats below. As to fuel, wood and coal are in great abundance and near, and limestone for a flux, in inexhaustible quantities, forms almost all the cliffs of the river banks for miles.

Iron ore, in considerable quantity, occurs at Blue Lick, and Joe's Lick, in Madison county. These licks result from the disintegration of the slate rock into a clay, which is frequently incrusted, in dry weather, with a thin incrustation of saline matter, which has, in some places, the taste of alum, in others of copperas, or sulphate of iron. Cattle and wild animals resort to these places to lick and eat the clay. The iron ore occurs in layers, and courses of nodules in the slate rock; and as the slate crumbles away by the action of the weather, and by the crystalization of the saline matter, the masses of iron ore tumble down the slopes, and are thickly strewed on the naked barren surface of the lick. In some places, these masses of iron ore are gradually crumbled down also into a gravel by scaling off in concentric coats, in consequence of a change of composition, and the action of the frost; in others they change colour on the exterior, from a blueish grey to reddish brown, and remain unchanged. It is thought probable, that investigation may demonstrate, that such an abundance of the ore exists naked on the surface, and in the ravines, as to justify the erection of iron works in this vicinity, should the demand, or means of transport render it expedient. This ore resembles a hard, compact, bluish grey limestone, but its weight is so great that the close observer will not be deceived. The people of the vicinity with whom I conversed, did not know it was iron ore. This ore is perfectly similar to that observed near New Haven, and it abounds through all the slate region of Kentucky. It has the same geological relations as the nodules of septaria of the same slate rock in Ohio, only, the composition is changed. In Ohio, these nodules or round masses in the slate, are a carbonate of lime containing some carbonate of iron. In Kentucky, they are carbonate of iron, containing some carbonate of lime. It is

the kind of ore that is called in some parts of Kentucky "limestone ore."—This term, however, is also used for ores that are different in aspect, and from a different geological position, viz: in the rocks of the coal formation.

The same calcareous iron ore as that at the Blue and Joe's Licks was seen in a great number of places in the valley of Red Lick Fork, on the route from Joe's Lick post office to Irvine. Throughout all these hills, the slate containing this iron ore, underlies the limestone, and this the conglomerate of the coal formation, which caps the highest hills.

The slate hills about Irvine, and particularly between Irvine and the Forks of the Kentucky river abound in the same ore, and it is thought that research may here discover enough to justify the erection of furnaces and forges. Wood and coal are abundant and cheap, and water transport convenient.

Iron ore, similar to the common brown iron stone, (limonite,) called "limestone ore," was seen in some abundance near the junction of the limestone and its superincumbent sandstone and conglomerate about 13 or 14 miles from Irvine.

Frequent indications of iron ore were observed after reaching the hills of the coal formation near the Forks of the Kentucky. It is not ascertained whether workable beds of ore occur there. As iron ore abounds along the western limit of this coal field across Ohio, and a part of Kentucky, it is highly probable that geological research would point out the particular locations of the beds in the other parts.

Iron ore is said to abound near Hazlegreen. I saw slight indications of it in many places, and it may, probably, be abundant.

Iron ore was observed in the hills in several places on the route from Hazlegreen to West Liberty, and it probably abounds.

On the road from West Liberty to Owingsville, and between the former place and Yoakum creek, on the ridge along which the road passes, great quantities of iron ore were observed. The place where it was seen most abundantly, is from 7 to 10 miles from West Liberty. It was limonite in various states of aggregation. It corresponds in geological position with some of the thick beds of similar ore in the north part of Kentucky and in Ohio, viz: above the conglomerate and sandstone rocks, and below the coal beds that are generally wrought. As far as surface indications are to be trusted, the bed varies from 2 to 8 feet thick.

Mr. Utterback, who lives near the junction of Yoakum creek with the North Fork, told me that all the hills tops above the limestone,* abounded with iron ore. From the geological character of this vicinity, the conclusion may, perhaps, be drawn, that the ore bed above the sandstone conglomerate, must form the caps of many of these hills, while that which lies above the limestone, and below the sandstone conglomerate, must be found in the caps of the hills several miles to the westward. In fact we

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* Geological section, showing the order of superposition:

1st. Coal formation, embracing the usual rocks.

2d. Conglomerate and sandstone, abounding in nitre, grottos, and rock houses.

3d. Limestone, cavernous, abounding in springs, with few fossils.

4th. Fine grained sandstone.

5th. Slate abounding in layers and courses of nodules of iron ore.

6th. Great limestone abounding in fossils.

found this to be so the next day, when travelling to the north west towards Owingsville. This ore is limonite, in various states of aggregation. Mr. Welch, the Chief Engineer of Kentucky, has been a close observer of the geology of this part of the State, and he informed me that these ore beds are found in nearly all the knobs to the foot of the Narrows of the Licking. The Narrows commence a few miles below West Liberty, and continue down the Licking below the North Fork. They seem to be caused by the physical characters of the contiguous rocks. The conglomerate sandstone, which is the base of the coal formation, emerges at the level of the river, a few miles below West Liberty, and gradually attains a greater elevation, forming the hill tops about Yoakum creek and the North Fork. This rock, as well as the subjacent limestone which is seen in the valleys, is wasted away with difficulty by the weather and the action of water, and these rocks, or their equivalents, form cliffs and precipices along almost the whole boundary of the coal formation in Kentucky and Ohio. The same cause would prevent the formation of wide bottoms along the river, as there are undoubted evidences, that almost all our valleys have been formed by the action of running water, and the crumbling action of the weather. At the lower end of the Narrows, the slate rocks emerge from below the slaty sandstone that underlies the limestone, and here the valley widens and gives broad and beautiful bottom lands. The slate rock crumbles rapidly away into clay by exposure to the weather, and most of the earth resulting from its disintegration, is removed by the action of water. The broad and rich alluvial valleys of the streams in the slate region, are undoubtedly due to this wasting action of the weather on these rocks. The slate rock gradually attains a higher elevation in the hills to the westward of the Narrows, until, near Gill's mills, it is 100 to 200 feet above the river. The calcareous iron stone which has so frequently been mentioned as occurring in the slate rocks, was observed to abound in the cliffs along the Licking. In one cliff, on the bank of the river, the slate was crumbling rapidly away, and the slope was thickly strewed with blocks and nodules of the ore which had slidden down from their original position.

Three distinct courses of nodules were observed in the hill, within a thickness of 40 feet. One of the layers of ore was at least one foot thick, and was of good quality. The abundance of the slate ore, together with the ores of the limestone and conglomerate of this region, must, before many years, cause the erection of numerous iron works. Sandstone for the stacks and hearths, slate for the inn walls, coal and wood for the combustible and steam power, limestone for the flux, a variety of ores for mixture with each other, and water transport, which are necessary elements, are all combined in this region, and point with perfect certainty to the future wealth, and to the kinds of industry that will employ its population.

A furnace is being erected, or may perhaps now be in operation, about one and a half miles from Gill's mills, on the road to Owingsville. It is supplied with ore from the vicinity. The ore lies on the limestone, and just beneath the surface. Its extent is not known. It is stated to be from one to four feet thick. It is a limonite, which seems to have lost a part of its water of combination. It is reddish brown, compact, earthy, columnar, and of various imitative forms.

Iron ore was seen abundantly about ten miles from Owingsville, on the road to Gill's mills. It is visible in many of the hills.

N. B. Buford, Esq. one of the State Engineers, in his report, says—

"Iron ore is first found in the vicinity of the river, at Ringo's mill, 140 miles above its mouth. Ore beds, of about four feet in thickness, occur in the hills on the left bank, and extensive beds are found in the hills on the opposite bank, near Fox creek.

"The Iron district on Slate creek was accurately described in the report of the Chief Engineer last year, as also the beds of it in the vicinity of Beaver creek.

"My own examinations have led me to believe that the iron ore which occurs near the river, from Cane creek to Beaver creek, at distances between 180 and 193 miles from the mouth of the river, is more abundant, and of as good quality, as in any other part of the State. The ore is found in veins of from five to fifteen feet thick, near the bases of the hills, and in beds of from three to ten feet thick, near their summits, and is found overlaying the stratum of limestone, which has been above described.

"Iron ore is also found in most of the hills between Slate creek and West Liberty, and near McClure's mill the beds are very extensive."*

The bed of iron ore near the Slate Furnace, has already been described. Its geological position is on the fossiliferous limestone, which underlies the slate rock so often mentioned. It is therefore lower, in geological position, than any of the other great iron deposits of the State. These are—

1st. Bog ore, which is of limited extent, and local.
2d. The various ore beds of the coal formation.
3d. The ore bed between the conglomerate and the cavernous limestone.
4th. The calcareous ores of the slate formation.
5th. The ore bed between the slate and the fossiliferous limestone.

Iron ore was seen in small quanties, near the junction of the slate with the lower or fossiliferous limestone, a few miles from Owingsville, on the road to the mouth of the Big Sandy river. It was limonite.

The nodular calcareous ore was seen in the slate cliffs, on the banks of the Licking, and of Triplett's creek, in several places, from six to eighteen miles from Owingsville.

Iron ore was observed abundantly in all the hills of the first divide of the western waters of Tygart's creek. This includes the bed below the conglomerate, and also those above the conglomerate, at the base of the coal measures. From this region, to the mouth of the Little Sandy, almost every hill that was examined was found to contain iron ore, in the greatest abundance. It lies in beds parallel to the strata, which dip very slightly to the east and east-south-east, with a variable thickness of from one inch to several feet. The resources of this region, in this mineral, are perfectly inexhaustible. Several furnaces are already in successful operation, and the time cannot be far distant, when it will be considered one of the most valuable iron districts in the country.

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* Engineer's Report, 1837—page 95.

STATEMENT *of Blast Furnaces and Forges in the State of Kentucky, extracted from the Report of the Honorable D. Trimble to the Legislature of Kentucky, at the session of* 1337–'8, *page* 20.

| OWNERS' NAMES. | Names of Furnaces in Greenup Co. | Tons of metal per annum. | Charcoal per ton, in bushels. | Tons of ore per ton of metal. | Forges in Greenup. |
|---|---|---|---|---|---|
| Shreve, Paul & Co. - | Bellefonte, - | 1200 | 283 | 2.72 | 1 |
| Shreve, Poage & Co. - | Amanda, - - | 1000 | 283 | 2.80 | |
| Trimble, Woodrow & Co | Raccoon, - - | 1300 | 280 | 2.50 | |
| D. & J. Trimble, - | Argillite, - - | 800 | 280 | 2.50 | 1 |
| Wm. Ward, - - | Hopewell, - - | 600 | 280 | 2.50 | 1 |
| G. W. Darlington, - | Globe Furnace, - | 600 | 275 | 3.00 | |
| M'Coy, Poage & Co. - | Clinton, - - | 950 | 260 | 3.15 | |
| Stewart, Greene & Co. | Caroline, - - | 750 | 300 | 2.75 | 1 |
| Do. do. - - | Kentucky Steam, | 650 | 300 | 2.75 | 1 |
| Cuddy, Lathrop & Co. | Oakland, - - | 600 | 300 | 3.50 | |
| Ward & M'Murtrey, - | Pactolus, - - | | | | |

*The quantities of metal made at the following furnaces and forges is not known.*

| OWNERS' NAMES. | COUNTIES. | Furnaces. | Forges. | REMARKS. |
|---|---|---|---|---|
| Robert Wickliffe, - | Bath, - - | 1 | 1 | Calcareous oolitic limonite; oldest fur. in the S. |
| Jackson & Wheeler, - | Estill, - - | 1 | 1 | Valuable works. |
| John H. Baker, - - | Bullitt, - - | 2 | 1 | One rolling mill on Salt river. |
| Miller & Irvine, - | Nelson, - | 1 | | |
| Holderman's heirs, - | Green, - - | – | 1 | |
| Do. do. - | Hart, - - | 1 | | |
| Harrison & Co. - - | Green, - - | 1 | 1 | |
| Buckner, Churchill & Co. | Hart, - - | 1 | | |
| Buckner & Churchill, | Muhlenburg, - | 1 | 1 | |
| ——— ———, - | Bath, - - | 1 | | |
| Total, - - | - - - | 21 | 11 | |

TABLE *showing the iron manufactured in Greenup County, annually, from information collected by Henry J. Eastin, Engineer, from the Engineer Report of* 1837, *page* 145–146.

| OWNERS' NAMES. | FURNACES. | Days in blast. | Stone coal used. | Price per bushel. | Charcoal used. | Price per bushel. | Limestone used. | Price per ton. | Ore used. |
|---|---|---|---|---|---|---|---|---|---|
| | | No. | Bushels. | Cents. | Bushels. | Cts. | Tons. | Dolls. Cts. | Tons. |
| Shreve, Paul & Co. - | Bellefont, - | 132 | 15,840 | 7 | 178,690 | 3½ | 126½ | 1 00 | 1,613½ |
| Shreve, Paul & Co. - | Bellefont, - | 118 | 10,170 | 7 | 155,400 | 3½ | 157½ | 1 00 | 1,453 |
| Shreve, Paul & Co. - | Amanda, - | | | | | | | | |
| D. Trimble & Co. - | Raccoon, - | 300 | – | – | 364,000 | 3½ | 550 | 2 00 | 3,250 |
| D. Trimble & Co. - | Sandy, - - | | | | | | | | |
| McKoy, Poage & Co. - | Clinton, - | 270 | 372,501 | 3 | 190,000 | 2½ | – | – | 3,000 |
| McCuddey & Co. - | Oakland, - | | | | | | | | |
| Wm. Stewart & Co. - | Caroline, - | 202 | 32,640 | 4½ | 181,220 | 3½ | 214 | 1 25 | 1,626 |
| Col. Ward, - - | Little Sandy, - | | | | | | | | |

TABLE—Continued.

| OWNERS' NAMES. | FURNACES. | Price per ton. | Ore per ton of iron. | Charcoal used per ton of iron. | Stone coal per ton of iron. | Limestone per ton of pig iron. | Iron made per day. | Total tons of pig iron made during the blast. | Total made in Greenup Co. per annum. |
|---|---|---|---|---|---|---|---|---|---|
| | | D. C. | | Bushels. | Bushels. | Tons. | Tons. | Tons. | Tons. |
| Shreve, Paul & Co. - | Bellefont, - | 3 25 | 2.72 | 283.1 | 25.00 | 0.21 | 4½ | 594 | |
| Shreve, Paul & Co. - | Bellefont. - | 3 25 | 2.72 | 283.1 | 25.00 | 0.21 | 5.07 | 599 | |
| Shreve, Paul & Co. - | Amanda, - | – | – | – | – | – | – | 1,100 | |
| D. Trimble & Co. - | Raccoon, - | 1 75 | 2.50 | 332. | – | 0.42 | 4.33 | 1,300 | |
| D. Trimble & Co. - | Sandy, - - | – | – | – | – | – | – | 800 | |
| McKoy, Poage & Co. | Clinton, - | 2 50 | 3.15 | 200. | 39.2 | – | 3.52 | 950 | |
| McCuddy & Co. - | Oakland, - | – | – | – | – | – | – | 500 | |
| Wm. Stewart & Co. - | Caroline, - | 3 00 | 2.75 | 302. | 54.33 | 0.36 | 3.0 | 600 | |
| Col. Ward, - - | Little Sandy, | – | – | – | – | – | – | 600 | 7,043 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| D. Trimble & Co. | - | - | - | - | - | - | - | 500 |
| McKoy, Poage & Co. | - | 2 50 | 3.15 | 200. | 39.2 | 0.36 | 3.52 | 950 |
| McCuddy & Co. | - | 3 00 | 2.75 | 302. | 54.33 | 0.36 | 3.0 | 600 |
| Wm. Stewart & Co. | - | Sandy, | - | - | - | - | - | 600 |
| Col. Ward, | - | Clinton, | - | - | - | - | - | 600 |
| | - | Oakland, | - | - | - | - | - | 500 |
| | - | Caroline, | - | - | - | - | - | 600 |
| | - | Little Sandy, | - | - | - | - | - | 600 |
| | | | | | | | | 7,043 |

## SLATE.

The slate rock and its valuable mineral contents, such as iron ore, mineral springs, salt licks, &c., have been frequently referred to. This rock, and its sub-jacent limestone, which has been described as the "great limestone," are the rocks that underlie most of that portion of the State called the garden of Kentucky. The character of the country underlaid by this rock varies very greatly, according to its thickness above the limestone, and the contiguity of large streams. Near the rivers, the country underlaid by the slate is very broken, in consequence of the tendency of this rock to crumble by exposure to the weather, while the rills and streams wash it away, and thus cut down deep and narrow valleys. At a greater distance, where the drainage is not so rapid, it forms level, fine lands, of the best quality. The soils resulting from the mixed fragments of the slate and limestone, are not excelled in fertility, probably, in any part of our country.

The slate contains pyrites in many places, and by the decomposition of the rock, and of this mineral, copperas and alum are formed, and it is not improbable that localities will be discovered, where these materials may be manufactured with profit for commercial purposes.

The slate frequently contains small quantities of gypsum, and this material is frequently formed by the combination of lime from the rock, and sulphuric acid derived from the decomposition of pyrites. The decomposed slate rock is well adapted in many parts of the State for use as a mineral manure, and it cannot be many years before it will be extensively employed for this purpose.

## NITRE. SALTPETRE. NITRATE OF POTASSA.

This substance has been made in considerable quantities in Kentucky, but it is believed that but little is now manufactured, although there are abundant means. The nitre occurs in two different geological situations in Kentucky, viz: in the cavernous limestone, and in the superincumbent conglomerate.

In the first, it is found in the earth of the caverns, in the form of nitrate of lime, and perhaps other nitrates, which are decomposed by leaching the ley from these earths through wood ashes. The nitrates are thus converted into nitrate of potassa, which is called nitre or saltpetre. The nitrates in the caverns are sometimes in an unctuous clay, which, when wet, becomes very plastic, and from which water will separate but a small quantity of the nitre. This is the most difficult to work.

The "nitre" of the conglomerate sandstone above the limestone, is frequently a nitrate of lime, which requires the addition of wood ashes or of potassa, before the nitre of commerce can be procured. The situations in which the nitrous earth is found, are very striking. This kind of sandstone forms precipitous ledges of rock, which frequently overhang their basis, along almost the whole of the western edge of the coal formation of Kentucky and Ohio. The rock crumbles away below, by the crystalization of the nitrous particles, and these, with the sandy grains fall below. The rock overhangs its base, and grottos of greater or less extent are formed. Some have been seen from 100 to 300 feet in length, and with the rock overhanging from 10 to 40 feet.

The earth beneath them is more or less impregnated with nitre, and even the rock seems sometimes cemented by it.

These grottoes are commonly, and very appropriately, called rock houses. They afford a fine retreat for wild and domestic animals during storms, and not unfrequently the traveller makes his camp in them.

Rock houses and nitre deposits are also found in the sandstones of the coal formation, but they are not so numerous as in the conglomerate sandstone at the base of the coal series.

### MINERAL SPRINGS.

The mineral springs already known in Kentucky, are numerous and important, and to many of them a high value is justly attached. Others, that are known to the inhabitants of the vicinity, are not generally appreciated as they would be, were they brought properly before the public. All the mineral waters of the State, as well as the various mineral substances, that may be of scientific or economical interest, ought to be carefully analyzed by an analytical chemist of the highest attainments, in whose results the most implicit confidence can be reposed. The results of such investigations would, undoubtedly, tend to improve the modes of application of some of our materials, and introduce more perfect methods in the manufactures of many of the mineral products. The purification of salt waters, the graining of salt in the form of alum salt, and improvements in the iron manufacture, may be anticipated as results to be derived from such investigations. Of all our mineral springs, the salt springs are of more economical importance than all the others. They are numerous, and already furnish large supplies of salt for the consumption of the State. They do not seem to be confined to a particular geological position, as has been supposed the case in some other States, but the brine is found in the coal measures, and in the subjacent slate and limestone formations, of such strength as to warrant the manufacture of salt, where there is a sufficient demand, or means of easy transport.

I have not yet been able to procure the details to show the statistics of the salt manufacture of Kentucky, but it is estimated that from 500,000 to 1,000,000 bushels of salt are made annually at the different salines of the Commonwealth. The salines on Goose creek, near Manchester, alone, manufacture about 200,000 bushels per annum.*

Burning springs and gas springs are not uncommon. Of the former, the petroleum (which is the oily scum that is inflamable) is occasionally saved, but it ought to be made a business to save this material for commercial purposes. It is applied to several uses, and commands a high price in the eastern markets. Many hundred, and probably many thousand, barrels might be annually collected at the different springs in the State, and would produce an amount worth noticing as one of our mineral products.

The gas springs are also not uncommon. Those evolving carburetted hydrogen, which takes fire and burns with a white flame, are most numerous, and are capable of useful applications. They are natural "gas works," and in New York some of them are already economized, so as to light villages, light-

*Mr. Snyder, Engineer, Report of Kentucky, 1837, page 124.

houses, &c., and they might, also, where abundant, in connection with salt springs, be economized in boiling salt, or for warming houses, and a variety of other purposes.

The more common mineral springs, such as chalybeate springs, sulphur springs, &c., are numerous, and many of them are known, although few are appreciated. They are natural medicinal everflowing fountains, appointed by an allwise Creator to cure, or allay many of the diseases incident to the climate, and as the country becomes more densely peopled, they will, doubtless, be more fully appreciated. Some, as the Olympian springs, Harrodsburg springs, &c., are already the annual resort of the invalid, and of much of the wealth and fashion of the country.

None will be mentioned in this report that have been before made known.

A copious chalybeate spring was seen on the left bank of the North Fork of the Kentucky, about 1½ miles above the mouth of Troublesome creek.

Another was seen within 100 yards of Mr. Haddock's house, near the mouth of Troublesome creek.

A small chalybeate spring was seen at Joe's Lick.

Chalybeate springs are particularly numerous in the slate region of Kentucky, and many of the more noted licks are in this rock.

### LIMESTONE.

This rock underlies a large portion of the State, and in different parts, gives great variety to the physical aspect of the country, as well as the agricultural character of the soil. The limestones of Kentucky are as various in their appearance, and fossil and mineral contents, as in their geological position.

The principal masses of limestone rocks occupy three distinct geological positions in this State. They are all more or less fossiliferous, containing the remains of marine animals. They are—

1st. The limestone beds in the coal formation.
2d. Cavernous, below the conglomerate and above the slate rock.
3d. Great limestone below the slate.

1st. The LIMESTONE BEDS OF THE COAL FORMATION are not very thick, but are adapted for building, for lime, for a flux with ores in the iron furnaces, and in some places, perhaps, for an ornamental stone or marble.

2d. The CAVERNOUS LIMESTONE occupies an extensive area, and its general limits may be understood by remarking, that it is the rock under the "Barrens" of Kentucky. These Barrens were so called from the fact that no trees grew there, while the other parts of the State were overshadowed by a dark forest of heavy timber, and covered in many parts by an almost impenetrable cane brake. The Barrens were covered with a growth of fine grass. The subjacent limestone is so cavernous, that almost all the water sinks into the caves and fissures of the rocks, and flows in streams beneath the surface, which occasionally emerge and soon sink again to renew their subterranean course. Water is rarely seen, and it is often exceedingly difficult to procure it, even for ordinary domestic uses. The soil is highly productive, and nothing tends so much to prevent its occupation, and productive and extensive tillage, as the want of an abundant supply of water for domestic uses, and

for farm stock. It is believed, after examining the country, that this defect may be remedied to a certain extent, and perhaps entirely, by boring artesian wells in the same way as salt wells are bored. It is believed that the water will probably rise to, or near the surface, and perhaps overflow in many places, so as to supply perpetual springs, which will be as valuable as the natural ones. Should the augur pass into any fissures of the rock during the boring, it would be necessary to tube the well below that point, and have the tube fit so closely, that there would be little leakage.

The reason that the Barrens were not covered with timber, is supposed to have been due to the dryness of the soil, and the sweeping of the praire fires over them annually, thus scorching and destroying the tender shoots of the young trees that might yearly spring up. It is still so in the great western prairies, in which the praire fires annually sweep over almost the whole of the open country, where the soil is not so wet as to arrest the progress of the fire, and there no trees are to be found, except in the vicinity of such wet places.

Since the settlement of Kentucky, the praire fires (which were often made for the purpose of driving out the game,) have ceased, and the Barrens are now covered by a thick growth of timber, where they are not occupied as farms.

This limestone, which I have called the cavernous limestone, occupies an area of some 5,000 to 8,000 square miles in Kentucky. In most places it makes lime of a superior quality, and it will be used in future to a much greater extent than it has been, not only for mortar, but for supplying lime to the soil, as a mineral manure.*

This limestone is, also, well adapted for use as a building stone, and in some places for a variegated and clouded marble.

A stratum of silicious matter which varies in its texture from a hornstone to a porous material like buhrstone, is found in many places in the cavernous limestone. The compact variety of this material was long used by the early settlers for flints for their rifles. Another form of it is used for hones. The coarser varieties are frequently seen of such a quality and texture, as to fit them for millstones. The localities of these materials are frequently called flint knobs, and their surfaces are thickly strewed with silicious masses. However repulsive such lands may appear for agricultural purposes, they are found to yield fine crops, to repay the husbandman for his labor.

3d. The GREAT LIMESTONE as I have called it, from its extensive distribution, not only in Kentucky, but over a great area of the western country, is more slaty as a mass, than the cavernous limestone, and abounds in fossils. Many of its layers disintegrate on exposure to the weather, and form a soil of almost unequalled fertility. Fossil shells abound in the soils resulting from the decomposition of this rock, and may be collected in great

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*The importance of liming soils that have been long cultivated, is beginning to be appreciated in the New England States, and in New York, New Jersey, and Pennsylvania. Some millions of bushels are consumed annually in those States, as a mineral manure, and the limestone beds where they are near water transportation, have become very valuable. They are sold at from $100 to $1,000 per acre. The manufacture of lime, for agricultural purposes, has there become an important business.

numbers.* The general aspect of the country, underlaid by this rock, is level or gently undulating, and covered with heavy crops where it is cultivated, and by a dense forest where the land is wild.

Many of the strata of this rock make good lime.† Some of them seem to be adapted to the manufacture of hydraulic cement; some of them make a beautiful building stone; some are clouded, and would make a fine marble, and some of them seem to be of uniform texture, and sufficiently compact for lithography. These varied uses of this rock must, at no distant period, give employment to many people and much capital, and the sooner the important locations, for these various branches of business, shall be discovered, the sooner may the citizens of Kentucky expect to reap the benefits to be derived from such developments of the mineral resources of the State.

The citizens of Kentucky, as a body, are agriculturists, producers of a *single kind*, and as a consequence, the mass of their products must seek a distant market. It is necessary for the interest of the State, that the citizens should be more nearly equalized in their relative numbers, all of which should be producers in their respective occupations. More iron masters and colliers are needed, with their numerous dependents; more manufactories of every kind, for which there are the greatest natural facilities to produce the varied materials required for the comfort, convenience, and necessities of the population, and to furnish a *home market* for a large share of the agricultural products.

Land in many parts of Kentucky is sold for a small fraction of its value, and frequently far below its worth for agricultural purposes. The advantage is altogether on the side of the buyer of landed property, not only in Kentucky, but in most parts of the United States. The land is valued, bought and sold according to its location and agricultural productiveness, regardless of its mineral wealth, which is often of far greater importance. A gentleman in Henderson informed me that he sold several hundred acres of land, on the Green river, underlaid by a bed of coal three feet thick, perfectly accessible, for fifty cents per acre. He did not realize until told, that by making a liberal allowance for waste, and allowing a profit of one cent only per bushel, it ought to have given him a clear profit of $1,000 per acre. Similar instances might be multiplied, but a single example will suffice to illustrate the value of our mineral deposits, where they are accessible to cheap transport.

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*Among these are several species of the Productus, Spirifer, Terebratula, Pentamerus, Encrinus, Pentremite, Eschara, Cyathophyllum, Turbinolia, Fungites, Millepora, and many others which will be specifically noted and described during the progress of the geological survey, should the Legislature authorize it.

†Geodes of quartz are very abundant in a part of the great limestone. They occur in a particular layer of the rock and as this disintegrates, they remain in loose masses. The surface of the country where this stratum emerges, is thickly strewed with them. They are generally hollow, lined with chalcedony or agate, and with crystals of quartz, amethyst, or calcareous spar, and they vary in size from a grape shot to the heaviest bomb shells. Beautiful specimens of the abovementioned minerals may be procured. They may be applied to use as ornamental stones and gems.

Among the minerals found in veins in this limestone, sulphate of baryta, carbonate of baryta, galena, and fluor spar may be mentioned, but no veins of such a size as to warrant mining, have yet been observed.

In some parts of Europe, the mineralogical and geological survey of estates is considered as important as the ordinary survey to ascertain the number of acres. A long period cannot elapse in the United States, before a knowledge of the mineral products, or the probability of mineral wealth, of particular kinds, beneath the soil, will be considered necessary in the valuation of landed property.

### RESULTS TO BE ANTICIPATED FROM THE SURVEY.

Should the Legislature see fit to authorize a geological and mineralogical survey of the State of Kentucky, it is believed that if it be executed in the manner contemplated, it will result in apprizing landed proprietors of resources in mineral wealth, of which they are now ignorant; enable them to appreciate and profit by those already known; inform the people what particular mineral substances may be expected in the various sections of the State; indicate the best means of searching for them, and recognizing them when found; tend to encourage mining enterprizes, where there is a certainty of success, and to repress and expose their fallacy, where there are not sufficient indications to justify expenditure; diffuse the various kinds of knowledge necessary in mining and metallurgic operations; attract public attention to the mineral wealth of the State; cause an additional influx of population and capital, to extract the mineral substances for use, and transport them to a market; raise the value of lands far above their present value; and, finally, it will give an additional impulse to the enterprize and industry, which are, even now, adding millions to the wealth of the community.

Another effect consequent upon the preceding, will be an increased demand for subsistence, for mechanical and professional labor of every kind, and all the necessaries and wants of civilized life, giving a tone and vigor to every branch of business.

The beneficial effects of such surveys are already felt in the various States that have authorized them, the impulse is given, it is progressive, and no State can long consent to remain with her natural resources hidden and unknown, when the expenditure of a few thousands of surplus capital, will return millions to her citizens.

W. W. MATHER,
*Geologist and Mining Engineer.*

Jackson C. H., Jackson County, Ohio,
*December 28th*, 1838.

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## APPENDIX.

In the preceeding *Report*, the reconnoisance of the mineral districts of Kentucky, and the results that are likely to flow from a prosecution of the Geological and Mineralogical survey of the State have been discussed. In order to conform to the joint resolution of the General Assembly of the Commonwealth, in relation to the Geological survey, it is necessary for me to submit a plan for conducting the survey, and estimates of the amount of funds necessary to execute it.

PLAN SUGGESTED FOR CONDUCTING THE SURVEY.

1st. That the Governor appoint a Chief Geologist, who shall have the general charge and supervision of the Geological and Mineralogical survey of the State.

2d. That the Geologist report annually, on or before the 1st of February to the Legislature, the ecomical results of the survey, in order that the people may reap some of the benefits during its progress.

3d. It shall be the duty of the Chief Geologist to have all mines, quarries, mineral beds, ores, &c., examined during the progress of the survey, if application be made by their proprietors, and to give an opinion, on consultation, as to the probable success of working any particular mine, mineral, quarry, &c.

4th. The Chief Geologist shall prepare a geological map of the State, after the completion of the field duties of the survey, with suitable sections, diagrams, &c., to illustrate the general geological structure of the State; and he shall, also, prepare a detailed report after the completion of the survey, calculated to describe and illustrate the geology and mineralogy, both economical and scientific of the State, together with the results of the analyses of such minerals, ores, salts, soils. mineral waters, &c., as shall have been analyzed during the progress of the survey.

5th. That the Chief Geologist be empowered to employ such persons to assist him in the varied duties of the survey, as may be most conducive to its rapid and perfect accomplishment, and that he prescribe their duties, and have them accountable to him for their faithful performance.

6th. That an appropriation of $12,500 per annum* be made for four years, to complete the Geological survey of the State. This amount is deemed sufficient, while the disbursement of a less amount would tend to cramp the operations of the survey.

7th. That the funds be paid by the Treasurer of State, on the order of the Chief Geologist, specification being made to whom, and for what purpose, it shall be paid.

W. W. MATHER,
*Geologist and Mining Engineer.*

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* As the details for the execution of the contemplated geological survey, are not specified above, I will proceed to give them, lest some should think the above amount a prodigal expenditure; and prefix to the organization proposed, a sketch of the organization of the geological borads of some other States. The Geological Board of the State of New York, of which I have the honor to be a member, was the first that was organized with a view to a *complete survey of a State in all its natural resources*. This Board is composed of eight persons, each the head of a separate department, viz: one Botanist, 1 Zoologist, 1 Palaeontologist, 1 Chemist and Mineralogist, and 4 Geologists.

*The Botanist* is charged with a botanical survey of the State, and his duties involve not only a description of all the plants of natural growth, but also every thing connected with the best modes of culture and of obviating the various diseases of plants, and particularly those that are extensively cultivated as grains, fruits, and esculent roots.

The Zoologists duties, involve a description of all the animals, insects, fishes, shells, &c., of the State, with the best modes of rearing and breeding those that are useful, and of destroying, or obviating the effects of noxious insects, which frequently, from a lack of knowledge of their species and habits, disappoint the hopes of the agriculturist, by destroying or injuring his crops.

The duties of the Mineralogist and Chemist, involve a description of all the localities of the various minerals of the State, with their uses and practical applications, and also, an analysis of all the minerals, mineral waters, soils, &c., with a view to improve modes of application, manufacture, or cultivation.

The Palaeontologist, is charged with the examination of all the fossil remains and petrifactions found in the rocks of the State. This might seem to many a matter of little *practical* importance,

## GLOSSARY OF WORDS USED IN THIS REPORT.

*Alluvial.* The adjective of Alluvium.

*Alluvion.* A synonim of Alluvium.

*Alluvium.* Recent deposits of earth, sand, gravel, mud, stones, peat, shell banks, shell marl, drift sand, &c., resulting from causes now in action. This term is generally applied to those deposits in which water is the principal agent.

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but it has, notwithstanding, an important bearing in tracing out the deposites of particular minerals of great economical value, and the want of the results of the labors in this department of geological science, has, in several parts of the country, led to the expenditure of thousands upon thousands of dollars, in fruitless research after particular mineral substances, where the observations of the practical geologist, aided by the palaeontologist, would at once say, there was not the least probability of finding the objects of their search.

Each of the four Geologists has charge of the investigations over his particular district, which embraces about one fourth of the area of the State. He examines county by county, observing and examining all the rocks, minerals, soils, springs, every thing natural that is inanimate; traces out the mineral deposits, rocks, quarries, mines, marbles, peat, marl, and their extent; estimates the quantity, facilities for working and mining, transport to market; and, in fact, every thing that may render them available and valuable to their owners; and he informs the owner of his discoveries on his estate, before any information upon the subject is communicated to any other individual; and, finally, at the close of each season, the economical results of his examinations are communicated to the Legislature, through the Governor.

The Geological Board is organized upon the principle of division of labor, by which each head of a department of the survey shall confine his observations to a limited sphere of inquiry, and thus be enabled to carry out the details of his department, with a much greater degree of perfection, that if his attention was diverted by many branches of investigation.

There is but one fault in this organization. The geological branch has no head, and there cannot, under such circumstances, be that unity of design, and perfection of execution, that there would be under the mode proposed.

The vote authorizing the Geological survey of New York was unanimous, and an appropriation was made, of $104,000 for its execution. Nearly $80,000 of this sum is believed to have been expended.

The oraganization of the Geological Board of Ohio, scarcely differs from that of New York, except that there is a head, styled the "Principal Geologist," who has the general superintendence of the survey, and who gives unity and concert of action in all the details of its operations. There is, however, a Topographical Engineer attached to the Board, whose duty it is, under the direction of the Principal Geologist, to execute a survey, and make a complete map of the State, as a basis for an accurate geological map, which shall shew the extent and distribution of each of the rocks, minerals, mines, quarries, mineral springs, &c. &c. of the State. The only defect in this oganization, is, that the assistants deriving their appointments and commissions from the Governor, that system of accountability, control and efficiency, cannot be attained, that is so desirable for the rapid and perfect execution of the survey, and that could be, if they were selected by, and dependent on, the head of the Geological Board.

Ohio made an appropriation of $12,000 in 1837, and a bill is now reported for an annual appropriation of $12,000 for the continuance of her Geological survey.

Pennsylvania is having a Geological survey executed, and the organization of her Board is upon nearly the same basis as that which I have suggested. A Chief Geologist is appointed and commissioned by the Governor. He superintends and directs the general operations of the survey, examines with the assistants the more important points, and gives tone and vigor to every part. The assistants are selected and appointed by him, and so it should be, for he alone is responsible for the faithful execution of his trust, and a man of reputation, will, of course, select for assistants, only such as are well qualified to discharge the various duties of the survey. Pennsylvania has, it is believed, appropriated $20,000 per annum for her Geological survey.

The proposed organization would be as follows: One Principal Geologist; three Geologists, each in separate sections of the State; one Chemist for the analysis of minerals, ores, &c.; one Botanist and Zoologist; and if the Legislature see fit, one Agricultural Department.

The Chemical Laboratory for the analysis of the minerals, ores, soils, mineral waters, &c. &c., ought, in my opinion, to be located at the seat of Government of the State, and be put in such a state of efficiency, that the various mineral substances that may be sent there, by individubls from the different counties, by the members of the Legislature, shall be analyzed during the session, and the results made known on their return to their constituents.

*Alum rocks.* Rocks which, by decomposition, form Alum.

*Amorphous.* Bodies devoid of regular form.

*Amygdaloid.* A trap rock which is porous and spongy, with rounded cavities scattered through its mass. Agates and simple minerals are often contained in these cavities.

*Anthracite.* A species of mineral coal, hard, shining, black, and devoid of bitumen.

*Anticlinal.* An anticlinal ridge or axis is where the strata along a line dip contrariwise, like the sides of the roof of a house.

*Arenaceous.* Sandy.

*Argillaceous.* Clayey.

*Augite.* A simple mineral of variable color, from black through green and gray to white. It is a constituent of many volcanic and trappean rocks, and is also found in some of the granitic rocks.

*Avalanche.* This term is usually applied to masses of ice and snow which have slidden from the summits or sides of mountains. It is now also applied to slides of earth and clay.

*Basalt.* One of the common trap rocks. It is composed of Augite and feldspar, is hard, compact, and dark green or black, and has often a regular columnar form. The palisades of the Hudson show the columnar aspect of trap rocks. The Giants' causeway is cited as an example of Basaltic rocks, and the columnar structure is there very strikingly displayed.

*Bitumen.* Mineral pitch, which is often seen to ooze from fossil coal when on fire.

*Bituminous Shale.* A slaty rock, containing bitumen, and which occurs in coal measures.

*Blende.* Sulphuret of Zinc. A common shining zinc ore.

*Bluffs.* High banks of of earth or rock with a steep front. The term is generally applied to high banks forming the boundaries of a river, or river alluvions.

*Botryoidal.* Resembling a bunch of grapes in form.

*Boulders.* Rocks which have been transported from a distance, and more or less rounded by attrition or the action of the weather. They lie upon the surface or loose in the soil, and generally differ from the underlying rock in the neighborhood.

*Breccia.* A rock composed of angular fragments cemented together by lime or other substances.

*Calc Sinter.* A German term for depositions of limestone from springs, and waters which contain this mineral in solution.

*Calcareous rocks.* A term synonimous with limestones.

*Calcareous Spar.* Crystallized carbonate of lime.

*Carbon.* The combustible element of coal.

*Carbonates.* Chemical compounds containing carbonic acid, which is composed of oxygen and carbon.

*Carbonic Acid.* An acid gaseous compound, incapable of supporting combustion, and deleterious to animal life. It is common in caves and wells, and many incautions persons loose their lives in consequence of descending, without first ascertaining its presence by letting down a lighted candle. Man cannot live where a candle will not burn freely.

*Carboniferous.* Coal bearing rocks. This term has been applied to a formation belonging to an ancient group of secondary rocks which contains coal.

The term is now used in a more enlarged sense, and may be applied to any rocks containing coal.

*Chert.* A siliceous mineral, approaching to chalcedony, flint and hornstone. It is usually found in limestone.

*Chlorite.* A soft green scaly mineral, slightly unctuous.

*Chloritic Slate.* Slate containing chlorite.

*Clinkstone.* A slaty feldspathic or basaltic rock, which is sonorous when struck.

*Cleavage.* The separation of thin laminae of rocks and minerals in certain constant directions. They are not always parallel to the planes of stratification, but are often mistaken for them.

*Coal formation.* Coal measures. These terms are considered synonimous, and refer to the great deposit of coal in the older secondary rocks, which has been called the "independent coal formation." There are, however, deposits of carbonaceous matter in all the geological periods, and several of them might also be called coal formations.

*Conformable.* When strata are arranged parallel to each other, like the leaves of a book, they are said to be conformable. Other strata lying across the edges of these may be conformable among themselves, but *unconformable* to the first set of strata.

*Conglomerate*, or Puddingstone. Rocks composed of rounded masses, pebbles and gravel cemented together by a siliceous, calcareous, or argillaceous cement.

*Cretaceous.* Belonging to the Chalk formation.

*Crop out* and out crop. Terms employed by Geologists and Mining Engineers, to express the emergence of rock, in place, on the surface of the earth at the locality where it is said to crop out.

*Crystalline.* An assemblage of imperfectly defined crystals, like loaf sugar and common white marble.

*Delta.* Alluvial land formed at the mouths of rivers.

*Denudation.* A term used to express the bare state of the rocks over which currents of water have formerly swept, and laid the rocks bare, or excavated them to form valleys of denudation.

*Deoxidize.* To separate oxygen from a body.

*Dyke.* A kind of vein intersecting the strata, and usually filled some unstratified igneous rock, such as granite, trap or lava. These materials are supposed to have been injected in a melted state into great rents or fissures in the rocks.

*Diluvium* and *Diluvion.* Deposits of boulders, pebbles, and gravel, which many geologists have supposed were produced by a diluvial wave or deluge sweeping over the surface of the earth.

*Dip.* Where strata are not horizontal, the direction in which their planes sink or plunge, is called the direction of the dip, and the angle of inclination, the angle of dip.

*Dolomite.* A magnesian limestone belonging to the primary class. It is usually granular in its structure, and of a friable texture.

*Dunes.* Sand raised into hills and drifts by the wind.

*Earth's Crust.* The superficial parts of our planet which are accessible to human observation.

*Eocene.* The strata deposited during the oldest of the tertiary epochs, as, for example, the Paris Basin.

*Estuaries.* Inlets of the sea into the land. The tide and fresh water

streams mingle and flow into them. They include not only the portion of the sea adjacent to the mouths of rivers, but extend to the limit of tide water on these streams.

*Exuviæ.* In Geology, fossil remains.

*Fault.* A dislocation of strata, at which the layers on one side of a dyke or fissure have slidden past the corresponding ones on the other. These dislocations are often accompanied by a dyke. They vary from a few lines to several hundred feet.

*Feldspar.* One of the simple minerals, and, next to quartz, one of the most abundant in nature.

*Ferruginous.* Containing iron.

*Fluviatile.* Belonging to a river.

*Formation.* A group of rocks which were formed during a particular period, or which are referred to a common origin.

*Fossils.* The remains of animals and plants found buried in the earth, or enclosed in rocks. Some of these are but slightly changed, others are petrified and the organic replaced by mineral matter; some have decayed and left the impression of the bodies, while others have been formed by mineral matter deposited in the cavities left by the decay of the organic body. The form and structure of the original body both remain. In casts, the exterior form alone is preserved. Fossils are also called organic remains.

*Fossiliferous.* Containing organic remains.

*Galena.* An ore of lead composed of lead and sulphur.

*Garnet.* A simple mineral, which is usually red and crystallized. It is abundant in most primitive rocks.

*Gneiss.* A stratified primary rock, composed of the same materials as granite, but the mica is distributed in parallel layers, which give it a striped aspect.

*Geology.* A science which has for its object to investigate the structure of the earth, the materials of which it is composed, the manner in which these are arranged, with regard to each other; and it considers the action of all natural causes in producing changes, such as the effects of frost, rain, floods, tides, currents winds, earthquakes and volcanos.

*Economical Geology* refers to the applications of geological facts and observations to the useful purposes of civilized life.

*Granite.* An unstratified rock, composed generally of quartz, feldspar and mica, and it is usually associated with the oldest of the stratified rocks.

*Graywacke* Grauwacke. A group of strata in the transition rocks; but the term has been so indefinitely applied, that other names will probably be substituted.

*Greenstone.* A trap rock, composed of hornblende and feldspar.

*Grit.* A coarse-grained sandstone.

*Gypsum.* A mineral, composed of sulphuric acid and lime, and extensively used as a stimulant manure, and for making stucco and plaster casts, &c. It is also called Plaster of Paris.

*Hornblende.* A mineral of a dark green or black color, and which is a constituent part of greenstone.

*Hornstone.* A siliceous mineral, approaching to flint in its characters.

*In Situ.* In their original positions where they were formed.

*Laminae.* The thin layers into which strata are divided, but to which they are not always parallel.

*Lacustrine.* Belonging to a lake. Depositions formed in ancient as well as modern lakes, are called lacustrine deposits.

*Landslip.* It is the removal of a portion of land down an inclined surface. It is in consequence of the presence of water beneath, which either washes away the support of the superincumbent mass, or so saturates the materials that they become a slippery paste.

*Line of Bearing*, is the direction of the intersectionof the planes of the strata with the plane of the horizon.

*Lignite.* Wood naturally carbonized and converted into a kind of coal in the earth.

*Littoral.* Belonging to the shore.

*Loam.* A mixture of sand and clay.

*Mural Escarpment.* A rocky cliff with a face nearly vertical like a wall.

*Mammillary.* A surface studded with smooth small segments of spheres like the swell of the breasts.

*Mammoth.* An extinct species of the elephant.

*Marl.* By this term an argillaceous carbonate of lime is usually implied. By custom, its signification is much more extended, and means mineral substances, which act as stimulating or fertilizing manures. There are clay marls, shell marls, and various others.

*Mastodon.* A genus of extinct fossil animals allied to the elephant. They are so called from the form of the grinders which have their surfaces covered with conical mammillary crests.

*Matrix.* The mineral mass in which a simple mineral is imbedded, is called its *matrix* or *gangue.*

*Megatherium.* A fossil extinct quadruped resembling a gigantic sloth.

*Mechanical origin*, Rocks of. Rocks composed of sand, pebbles or fragments, are so called, to distinguish them from those of a uniform crystalline texture, which are of chemical origin.

*Mica.* A simple mineral having a shining silvery surface, and capable of being split into very thin elastic leaves or scales. The brilliant scales in granite and gneiss are mica.

*Mica Slate.* One of the stratified rocks belonging to the primary class. It is generally fissile, and is characterized by being composed of mica and quartz, of which the former either predominates, or is disposed in layers, so that its flat surfaces give it the appearance of predominating.

*Miocene.* One of the deposites of the tertiary epoch. It is more recent then the *eocene* and older than the pliocene.

*Mollusca.* Molluscous animals. "Animals, such as shell fish, which, being devoid of bones, have soft bodies."

*Mountain Limestone.* "A series of limestone strata, of which the geological position is immediately below the coal measures, and with which they also sometimes alternate."

*Muriate of Soda.* Common Salt.

*Naphtha.* A fluid volatile inflamable mineral, which is common in volcanic districts, and in the vicinity of the Salt Springs of the United States.

*New Red Sand-stone.* "A series of sandy and argillaceous, and often calcareous strata, the prevailing color of which is brick red, but containing portions which are greenish grey. These occur often in spots and stripes, so that the series has sometimes been called, the variegated sand-stone. The European, so called, lies in a geological position immediately above the coal measures."

*Nodule.* A rounded, irregular shaped lump or mass.

*Old Red Sand-stone.* "A stratified rock, belonging to the carboniferous group of Europe."

*Oolite.* "A limestone, so named, because it is composed of rounded particles like the roe or eggs of fish. The name is also applied to a large group of strata characterized by peculiar fossils."

*Organic Remains.* See *Fossils.*

*Orthoceratite.* The remains of an extinct genus of molluscous animals, called Cephalopoda. The orthoceratites are long, straight, conical chambered shells.

*Out-crop.* See *Crop-out.*

*Out-liers.* Hills or ranges of rock strata, occurring at some distance from the general mass of the formations to which they belong. Many of these have been caused by denudation, having removed parts of the strata which once connected the out-liers with the main mass of the formation.

*Oxide.* A combination of oxygen with another body. The term is usually limited to such combinations as do not present active acid or alkaline properties.

*Palaeontology.* A science which treats of fossil remains.

*Pisolite.* A calcareous mineral, composed of rounded concretions like peas.

*Pliocene.* The upper, or more recent tertiary strata. This group of strata is divided into the older and newer pliocene rocks.

*Petroleum.* A liquid mineral pitch. It is common in the region of salt springs in the United States.

*Porphyry.* A term applied to every species of unstratified rock, in which detached crystals of feldspar are diffused through a compact base of other mineral composition.

*Productus.* An extinct genus of fossil bivalve shells.

*Plastic Clay.* One of the beds of the Eocene period. The plastic clay formation is mostly composed of sands with associated beds of clay.

*Pudding Stone.* See *Conglomerate.*

*Pyrites.* A mineral composed of sulphur and iron. It is usually of a brass yellow, brilliant, often crystalized, and frequently mistaken for gold.

*Quartz.* A simple mineral, composed of silex. Rock crystal is an example of this mineral.

*Rock.* All mineral beds, whether of sand, clay, or firmly aggregated masses, are callen rock.

*Sand-stone.* A rock composed of aggregated grains of sand.

*Saurians.* Animals belonging to the lizard tribe.

*Schist.* Slate.

*Seams.* "Thin layers which separate strata of greater magnitude.

*Secondary Strata.* "An extensive series of the stratified rocks, which compose the crust of the globe, with certain characters in common, which distinguish them from another series below them, called primary, and another above them, called tertiary."

*Sedimentary Rocks.*—Are those which have been formed by their materials having been thrown down from a state of suspension or solution in water.

*Selenite.* Crystallized gypsum.

*Septaria.* Flattened balls of stone, which have been more or less cracked

in different directions, and cemented together by mineral matter which fills the fissures.

*Serpentine.* A rock composed principally of hydrated silicate of magnesia. It is generally an unstratified rock.

*Shale.* An indurated slaty clay, which is very fissile.

*Shell Marl—Fresh water Shell Marl.* A deposit of fresh water shells, which have disintegrated into a grey or white pulverulent mass.

*Shingle.* The loose, water-worn gravel and pebbles on shores and coasts.

*Silex.* The name of one of the pure earths which is the base of flint, quartz, and most sands and sand-stones.

*Silt.* "The more comminuted sand, clay and earth, which is transported by running water."

*Simple Minerals*—Are composed of a single mineral substance. Rocks are generally aggregates of several simple minerals cemented together.

*Slate.* A rock dividing into thin layers.

*Stalactite.* Concreted carbonate of lime, hanging from the roofs of caves, and like icicles in form.

*Stalagmites.* Crusts and irregular shaped masses of concreted carbonate of lime, formed on the floors of caves, by deposits from the dripping of water.

*Stratification.* An arrangement of rocks in strata.

*Strata.* Layers of rock parallel to each other.

*Stratum.* A layer of rocks; one of the strata.

*Strike.* The direction in which the edges of strata crop out. It is synonymous with *line of bearing.*

*Syenite* and *Sienite.* A granitic rock, in which hornblende replaces the mica.

*Synclinal line* and *Synclinal axis.* When the strata dip downward in opposite directions, like the sides of a gutter.

*Talus.* In geology, a sloping heap of broken rocks and stones at the foot of many cliffs.

*Tertiary Strata.* "A series of sedimentary rocks, with characters which distinguish them from two other great series of strata—the secondary and primary—which lie beneath them."

*Testacea.* "Molluscous animals, having a shelly covering."

*Tepid.* Warm.

*Thermal.* Hot.

*Thin out.* Strata which diminish in thickness until they disappear, are said to *thin out.*

*Trap—Trappean Rocks.* Ancient volcanic rocks, composed of feldspar, hornblende and augite. Basalt, greenstone, amygdaloid and dolerite, are trap rocks.

*Travertin.* "A concretionary lime-stone, hard and semi-crystalline, deposited from the water of springs."

*Tufa, Calcareous.* "A porous rock, deposited by calcareous waters on exposure to air, and usually containing portions of plants and other organic substances incrusted with carbonate of lime."

*Tufaceous.* A texture of rock like that of tuff.

*Tuff or Tufa.* "An Italian name for a volcanic rock of an earthy texture."

*Unconformable.* See conformable.

*Veins.* Cracks and fissures in rocks filled with stony or metallic matter. Most of the ores are obtained from metallic veins.

*Zoophytes.* Corals, sponges, and other aquatic animals allied to them.

# REPORT

OF THE

# COMMITTEE ON THE SINKING FUND.

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The committee on the Sinking Fund, to whom was referred so much of the Governor's message as relates to that subject, and the report of the Commssioners of the Sinking Fund, with instructions to make certain inquiries, have had that subject under consideration, and beg leave to make the following report:

In order to present a clear and full view of the whole subject, the committee have deemed it proper, in the first place, to state the whole debt due from the State; the interest on which, by law, is to be paid from the resources of the Sinking Fund.

On the 25th of May, 1835, the Bank of Kentucky purchased $100,000 Internal Improvement bonds, bearing an interest of 5 per centum per annum, at par value; interest payable semi-annually, in Louisville, on the 1st of January and 1st of July. They are due on the 25th of May, 1865, and redeemable at any time after 20 years.

On the 1st of August 1835, $100,000 of similar bonds were sold to Prime, Ward & King, bearing the same interest, payable in the city of New York, semi-annually, on the 1st of January and the 1st of July; due on the 1st of August, 1865, and redeemable at any time after 25 years. Sale made at a premium of 3 10-100 per cent.

On the 25th of April, 1836, $100,000 of similar bonds were sold to the Northern Bank of Kentucky, bearing the same interest, payable in Lexington, semi-annually, on the 1st of January and 1st of July; due on the 25th of April, 1871, and redeemable at any time after 30 years. Sale made at par value.

On the 1st of June, 1836, $50,000 of similar bonds were sold to the Bank of Kentucky, bearing the same interest, payable in Louisville, semi-annually, on the 1st of January and 1st of July; due on the 1st of June, 1871, and redeemable at any time after 30 years. Sale made at par value.

On the 1st of April, 1837, $165,000 were sold to the War Department, bearing the same interest, payable in the city of New York, semi-annually, on the 1st of January and 1st of July; due the 1st of April, 1872, redeemable at any time after 35 years. Sale made at 2 per cent. discount.

On the 15th of May, 1837, $500,000 of bonds were purchased by the Commissioners of the Sinking Fund, with a portion of the surplus revenue of the U. States, required to be deposited with the State of Kentucky, under the act of Assembly requiring them to invest it in profitable stocks in certain events, bearing an interest of 5 per cent. per annum, payable in the city of New York, semi-annually, on the 1st of January and 1st of July; due the 15th of May, 1872, and redeemable at any time after 35 years. Sale made at par value.

On the 1st of July, 1837, $170,000 of similar bonds were purchased by the Commissioners of the Sinking Fund, on the same terms, in all respects; due the 1st of July, 1872, and redeemable at any time after 35 years.

On the 1st of October, 1837, $200,000 of similar bonds were purchased by the Commissioners of the Sinking Fund, on the same terms; due the 1st of October, 1872, and redeemable after 35 years.

The act to invest in profitable stocks, the surplus revenue deposited with this State, approved 23d February, 1837, gave to the Bank of Louisville $500,000; to the Bank of Kentucky five eighths of the residue, and to the Northern Bank of Kentucky, three eighths. The Bank of Louisville and the Northern Bank refused to agree to the proposed amendments to their charters; and the amounts which would have passed to them, came into the hands of the Commissioners of the Sinking Fund; $850,000 of which, a portion of the three last named sums, was invested as above stated, in 5 per ct. bonds, for the benefit of Common Schools. The remaining $20,000 of stocks above purchased by the Commissioners of the Sinking Fund, were purchased on account of, and for that fund.

At the making of their last report, therefore, the State stood indebted as follows, viz:

| | |
|---|---|
| To the Bank of Kentucky, | $150,000 |
| To the Northern Bank of Kentucky, | 100,000 |
| To the War Department, | 165,000 |
| To Prime, Ward & King, | 100,000 |
| To Common School Fund, | 850,000 |
| To the Commissioners of Sinking Fund, | 20,000 |
| | $1,385,000 |

Since the adjournment of the last Legislature, the State has sold bonds bearing an interest of 6 per cent. to the American Life Insurance & Trust Company, to the amount of $1,250,000; the particulars of which sale, with the premium received, and all other necessary information concerning its negotiation, will be found in the message of the Governor on that subject, with the accompanying documents.

It may not be improper to remark, that the debt of $850,000, as well as the debt of 20,000 to the Commissioners of the Sinking Fund, the interest on the former of which, by law, is made payable to the Board of Education,

is a debt due from the State to itself; and until a system of common schools can be carried into practical operation, no necessity will exist for its semi-annual interest. Although the interest on this sum is made payable in the city of New York, by the terms of the contract with the Commissioners of the Sinking Fund, it is not actually paid there, but the difference of exchange between this State and New York, merely added to the interest.—This feature in the contract was inserted in order to effect the sale of these bonds hereafter, in the Eastern market, if it should ever be deemed prudent and to the interest of the State to do so. The sale to the War Department was for $415,000: only 165,000 of which have been paid, although the Commissioners of the Sinking Fund have made every effort in their power, to induce its faithful execution. They regret to state that this Department, in the opinion of this committee, has not evinced that regard for the inviolability of its contracts, which this State had a just right to expect.

It will be recollected, that the whole amount to which Kentucky was entitled, under the distribution act of Congress, was $1,911,676 52; only three instalments of which were paid, amounting to $1,433,754 39. The act of this State, to invest this sum in profitable stocks, as before stated, gave to the Bank of Louisville, $500,000, on certain conditions; to the Bank of Kentucky, five eighths of the residne, and to the Northern Bank of Kentucky, three eighths. The Bank of Louisville and the Northern Bank, having refused to agree to the terms proposed by this act, the Bank of Kentucky alone received the sum of $583,598 37, on the fifth million of stock in that institution. The remaining portion which has been paid on that million, has arisen from the excess of dividends on the one million of State scrip in said Bank, over 5 per cent.

The sum of $4,500, as premium on the sale of Eastern funds in 1838, and hereafter set down as a part of the receipts of this year, is a portion of what was agreed to be paid by the Banks for such funds arising from the proceeds of the sale made of $1,250,000, before reported. By the terms of that sale there were three instalments of $100,000, each payable on the 15th Dec'r., 1838, 1st of January 1839, and the 1st of February 1839; all which were sold to the Bank of Kentucky and the Northern Bank, at a premium of 1½ per cent., making the sum of $4,500; three thousand of which have been paid, and the balance will be paid on the 1st of February.

It is the opinion of the committee, that the whole proceeds of the sale of bonds in 1838, have been most judiciously managed to promote the interest of the State. The first $550,000 received, was deposited with the Bank of Kentucky and the Northern Bank, in the following proportion: 350,000 with the Bank of Kentucky, 150,000 with the Northern Bank, and 50,000 with the Branch Bank of Kentucky at Lexington; each agreeing to sell the Eastern fund so deposited, and pay over the entire premium to the Commissioners of the Sinking Fund. Of this fund so deposited, $110,624 were sold at 2 per cent., and the residue at 1½ per cent.; the whole premium amounting to $6,590 64. The balance of the proceeds of that sale, amounting to 700,000 dollars, was sold to the Bank of Kentucky and the Northern Bank of Kentucky, at 1½ per cent. premium, in the following proportion, viz: 500,000 dollars to the Bank of Kentucky, and 200,000 dollars to the Northern Bank of Kentucky; both Banks agreeing to pay interest at the rate of six per centum per annum, on the money, so long as it should remain in deposit with them.

The annexed tabular statement No. 1, will be found to be a full response to the first instruction accompanying the reference of the report of the Commissioners of the Sinking Fund, in relation to the money borrowed under the act of Assembly, vesting that authority in the Board of Internal Improvement.

The committee having called on the chairman of the Board of Commissioners of the Sinking Fund, for answers to the residue of the various inquiries suggested by said instructions, beg leave herewith to submit his response as a part of their report, hereto annexed, No. 2. They deem it due to the Commissioners to state, from the most rigid scrutiny they have been enabled to bestow upon the subject, that they believe that the important trust confided to them, has been managed with the utmost prudence and discretion. They had exhibited to them, the various certificates of bank stock, amounting, as reported, to 1,852 shares, and the whole correspondence with the various agents employed abroad to make the purchases, with the necessary evidence of their cost and incidental expenses; all of which corresponded accurately with the amount reported.

In making an estimate of the resources and liabilities of the Sinking Fund, the instalments due on the public debt on the 1st inst., have been considered as a part of the charge on the present year. The actual dividends declared by the Banks on the 1st inst., have exceeded the usual estimate made. The Northern Bank of Kentucky has declared a dividend of 4¾ per cent. for the six months preceding the 1st of January; the Bank of Kentucky 4½ per ct., and the Bank of Louisville 4 per cent. On one million of State scrip in the Northern Bank, after allowing 2½ per cent. for the interest payable by the State on said scrip for the time, the Sinking Fund receives the sum of 22,500 dollars. On one million of similar scrip in the Bank of Kentucky, after making the same deduction, 20,000 dollars. On 400 shares of stock in the Northern Bank, the sum of 1,900 dollars. On 700,000 dollars of the fifth million in the Bank of Kentucky, the sum of 31,500 dollars. On 1,277 shares of stock in said bank, the sum of $5,746 50. On 175 shares in the Bank of Louisville, the sum of 700 dollars. Since the Commissioners made their report, they have received from the Bank of the Commonwealth the sum of 6,080 dollars, and from the Muldrow's Hill turnpike 124 dollars. A dividend is also declared on the Franklin and Hardinsville turnpike road, the State's portion of which amounts to $1,600, which will be paid over in a few days.

*The interest payable on the 1st inst., is as follows, viz:*

| | |
|---|---|
| Semi-annual interest on $150,000, to the Bank of Kentucky, | 3,750 |
| Do. do. on 100,000, to the Northern Bank, | 2,500 |
| Do. do. on 165,000, to the War Department, | 4,125 |
| Do. do. on 100,000, to Prime, Ward & King, | 2,500 |
| From 1st July, 1838, on $250,000, to the American Life Insurance and Trust Company, - - - | 7,500 |
| From 1st of August, 1838, on 100,000, to the American Life Insurance and Trust Company, - - - | 2,500 |
| From 1st of September, 1838, on 100,000, to the American Life Insurance and Trust Company, - - - | 2,000 |
| Amount carried forward, - - - - | 24,875 |

| | |
|---|---|
| Amount brought forward, - - - - | 24,875 |
| From the 15th September, 1838, on 200,000, to the American Life Insurance and Trust Company, - - - | 3,500 |
| From 1st of October, 1838, on 100,000, to the American Life Insurance and Trust Company, - - - | 1,500 |
| From 15th of October, 1838, on 100,000, to the American Life Insurance and Trust Company, - - - | 1,250 |
| From 15th November, on 100,000, to the American Life Insurance and Trust Company, - - - | 750 |
| From 15th December, on 100,000, to the American Life Insurance and Trust Company, - - - | 250 |
| Semi-annual interest on 850,000, to Board of Education, - | 21,250 |
| | $53,375 |

To which sum is to be added exchange.

*The following condensed statement will show the amount now on hand, viz:*

| | |
|---|---|
| In the hands of Commissioners, at the date of report, - | $55,075 49 |
| From the Bank of Commonwealth, since their report, - | 6,080 00 |
| From Muldrow's Hill turnpike, - - - - | 124 00 |
| Excess of dividends in the Northern Bank, on one million, - | 22,500 00 |
| Do. on one million in the Bank of Kentucky, - - | 20,000 00 |
| Dividend at 4¾ per cent. for 6 months on 400 shs. in North. Bank, | 1,900 00 |
| Do. at 4½ per cent. for 6 months on 1,277 in Bank Ky. | 5,746 50 |
| Do. at 4½ per cent. for do. on 700,000 in Bank of Ky., - | 31,500 00 |
| Do. at 4 per cent. for do. on 175 shares in Bank of Louisville, - - - - - | 700 00 |
| | $143,625 99 |
| Deduct semi-annual interest as above, on 1st inst. | 53,375 00 |
| | $90,250 99 |

If the semi-annual interest on the school fund be deducted from the above sum of $53,375, it will be perceived that the amount on hand will be increased 21,250 dollars, making $111,500 99. If that be not deducted, and the last July instalment due the Board of Education, amounting to $21,568 75, including exchange, now in the Commissioners' hands be added, the balance will be $68,682 99.

Taking the dividends as actually declared for the past half year, and setting down the last named sum as the true sum in the Commissioners' hands, and estimating the accruing dividends for the next six months at the rate of 8 per cent. per annum, the following tabular statement will present a fair view of the resources and liabilities of the Sinking Fund, for the present year.

RESOURCES.

| | |
|---|---|
| Balance in Commissioners' hands, after all deductions, - | $68,682 99 |
| Excess of dividend for ensuing 6 months, on one million, Northern Bank, - - - - - - | 15,000 00 |
| Do. on one million in the Bank of Kentucky, - - | 15,000 00 |
| Dividend on 700,000, in the 5th million of Bank of Kentucky, | 28,000 00 |
| Do. on 1,277 shares in the Bank of Kentucky, - - | 5,108 00 |
| Do. on 400 shares in the Northern Bank, - - | 1,600 00 |
| Do. on 175 shares in Bank of Louisville, - - | 700 00 |
| Tax on the capital stock of Bank of Kentucky, 4,700,000, - | 23,500 00 |
| Do. do. of Northern Bank, 3,000,000, - - | 15,000 00 |
| Do. do. of Bank of Louisville, 1,150,000, - | 5,750 00 |
| Premiums on sale of Eastern Funds in 1838, - - | 4,500 00 |
| Profits from the Bank of the Commonwealth, at least - | 20,000 00 |
| Do. from Old Bank of Kentucky, - - - | 5,940 00 |
| Do. from Penitentiary, - - - - - | 7,500 00 |
| Do. from roads, bridges, &c., - - - - | 12,000 00 |
| | $228,280 99 |

Liabilities, after the payment of semi-annual interest on the 1st instant, deducted as above,

| | |
|---|---|
| Remaining semi-annual interest for this year, on 150,000, to Bank of Kentucky, - - - - - | 3,750 00 |
| Remaining semi-annual interest on 100,000, to the Northern Bank, - - - - - - - | 2,500 00 |
| Remaining semi-annual interest on 165,000, to the War Department, - - - - - - | 4,125 00 |
| Remaining semi-annual interest on 100,000, to Prime, Ward & King, - - - - - - | 2,500 00 |
| Remaining semi-annual interest on 1,150,000, to American Life Insurance and Trust Company, - - - | 34,500 00 |
| Do. do. on 100,000, to do. from 1st Feb. to July, - | 2,500 00 |
| Do. do. on 850,000, to Board of Education, - | 21,250 00 |
| Add exchange for the whole year, - - - - | 3,000 00 |
| | $74,125 00 |
| Which deduct from resources, leaves - - - | $154,155 99 |

If one million be sold this year, of Internal Improvement Scrip, at 6 per cent., calculating that there may be 8 months' interest to pay on it, the am't will be 40,000 dollars; leaving the sum of $114,155 99 to be appropriated to the increase of this fund.

The committee are decidedly of opinion that some profitable investment should be made of the interest accrued and accruing on the school fund. In consequence of the difficulty of carrying into practical operation, the system which has been adopted, the interest on this fund must remain idle for many years, unless some disposition be made of it. There has been on deposit in the Bank for nearly one year, the sum of $21,945 02; the semi-annual

interest of last July, amounting to 21,568 dollars, is also on hand, and the interest for the present year will be 42,500 dollars. It is obvious that these sums should be invested, so as to be rendered profitable. If carried to the enlargement of the Sinking Fund, instead of the foregoing account, the following tabular statement would show the then condition of the sinking fund.

RESOURCES.

| | |
|---|---|
| In the hands of Commissioners, at date of their report, - | $55,075 49 |
| From the Bank of Commonwealth, since their report, - | 6,080 00 |
| From Muldrow's Hill turnpike, - - - - | 124 00 |
| Excess of div'ds on 1 mill. in Northern Bank, for the year, - | 37,500 00 |
| Do. do. do. in Bank of Kentucky, - - | 35,000 00 |
| Dividends on 400 shares in Northern Bank for the year, - | 3,500 00 |
| Dividends on $700,000, in the 5th million of Bank of Kentucky, for the year, - - - - - | 59,500 00 |
| Dividend on 1,277 shares in the Bank of Kentucky, - - | 10,854 50 |
| Dividend on 175 shares in the Bank of Louisville, - - | 1,400 00 |
| Tax or bonus on three Banks, - - - - | 44,250 00 |
| Premiums on sale of Eastern funds in 1838, - - - | 4,500 00 |
| Profits from the Bank of the Commonwealth, - - | 20,000 00 |
| Profits from Old Bank of Kentucky, - - - | 5,940 00 |
| Profits from the Penitentiary, - - - - | 7,500 00 |
| Profits from roads, bridges, &c., - - - - | 12,000 00 |
| | $303,223 99 |

Liabilities, after deducting the interest due the Board of Education, July instalment, $21,568, and the present years' int. 42,500, will be $85,000, viz:

| | |
|---|---|
| One year's interest on 150,000, to Bank of Kentucky, - | $7,500 00 |
| One year's do. on 100,000, to Northern Bank, - | 5,000 00 |
| One year's do. on 165,000, to the War Department, - | 8,250 00 |
| One year's do. on 100,000, to Prime, Ward & King, - | 5,000 00 |
| One year's do. on the several sums to the American Life Insurance and Trust Company, as before stated, - | 56,250 00 |
| | 82,000 00 |
| Add exchange and contingent expenses, | 3,000 00 |
| | $85,000 00 |

| | |
|---|---|
| Gross amount of receipts, as above, | 303,223 99 |
| Deduct liabilities, as above, | 85,000 00 |
| | $218,223 99 |
| To which add amount in bank, of school fund, | 21,945 02 |
| | $240,169 01 |

The committee concur in the suggestion made by the Commissioners of the Sinking Fund, that it would be proper to repeal, with the consent of the Bank of Kentucky, so much of an act, approved Feb. 13, 1838, as makes it imperative on them to invest a portion of the resources of that fund in the 5th million in said Bank, and will report a bill to that effect. Under a system of more strict accountability, they cannot doubt that the revenue from turnpike roads will be greatly increased, and constitute no inconsiderable item in the resources of this fund. There are now finished about 446 miles of turnpikes, and with many of the companies the amount of appropriation was not quite sufficient to complete the roads; and the dividends which should have been divided, was used during the present year for that purpose. This of course will not continue to be the case; and upon any reasonable calculation the next year, the revenue from this source cannot amount to less than $40,000. It is believed that the amount set down from that source during this year, is much too low; but the committee preferred making too low an estimate, to one that might not possibly be realized.

The fund will undoubtedly be greatly increased, as soon as the works on the three principal rivers of the State shall be completed. The water power alone, upon the lowest estimate which can be made, will not rent for less per annum than $75,000. On the Kentucky river there will be 17 locks and dams, averaging 40 powers at each; and supposing one half the number to be used at a yearly rent each of $125, the result will be 340 powers, making per annum $42,500. This estimate is not too great, but probably greatly below the mark, when it is known that $300 a power per annum, have already been offered on this stream. The probable amount of tolls on these streams depends on so many contingencies, and is so much a matter of conjecture, that the committee have not deemed it necessary to make any estimate of them, but will merely refer to the report of the Board of Internal Improvement, whose estimates on this subject are believed not to be too high, and by some competent and intelligent judges, greatly too low.

That the fund should be increased and enlarged by all the means in our power, is too obvious to need argument to prove it. It is the only means of creating and consolidating the public credit of the State, and of finally extinguishing the public debt. If the fund should be made to produce, annually, an amount beyond the interest to be paid, and the surplus be semi-annually added to the fund, and invested in profitable stocks, and the interest on those stocks be again applied in the same way, in the mean time keeping down the interest of the debt, the whole principal debt must in time be extinguished, the success of the operation depending on the progressive power of compound interest. Our public credit will rise just in proportion to the disposition manifested to increase this fund, and place it upon a solid and permanent basis, so as to insure, at all times, the faithful and punctual payment of the interest on the public debt. The committee cannot close this report, without the expression of its entire and cordial approbation of the conduct of the Commissioners of the Sinking Fund, in paying the interest on the State debt in specie or par funds, during the recent commercial revulsion. Any other course would have been derogatory to the character of the State, and a violation of the letter and spirit of her contracts.

No. 1.

| Bank from whom borrowed. | Amount of Note. | Proceeds of Note. | Interest and Discount paid. | Total Prin. and Interest paid. |
|---|---|---|---|---|
| 1836.—Sept. 21, From Bank of Louisville, payable 1st January, 1837, | 20,333 33 | 20,000 00 | 333 33 | |
| On 8th March, 1837, Commissioners of Sinking Fund paid the interest up to 1st July following, | – | – | 610 00 | |
| On the 8th May, they paid off the note, the Bank making a deduction for the time it had to run, | – | – | 943 33<br>149 10 | |
| | | | 794 23 | 20,794 23 |
| 1838.—Mrch 15, From same Bank, payable 120 days after date, | 20,333 33 | 19,919 88 | 413 45 | |
| Paid off by Treasurer, on 7th September, 1838, | – | – | 183 00 | 20,516 33 |
| 1838.—May 24, From same Bank, payable 120 days after date, | 25,000 00 | 24,487 50 | 512 50 | |
| Paid off by Treasurer, on 11th December, 1838, | – | – | 325 00 | 25,325 00 |
| | $65,666 66 | 64,407 38 | 2,228 18 | 66,635 56 |
| 1836.—Oct. 29, From Northern Bank, payable 1st March, 1837, | 51,000 00 | 50,000 00 | 1,000 00 | |
| On 11th March, 1837, Commissioners Sinking Fund paid this sum, | – | – | – | 1,000 00 |
| On 8th May, 1837, they paid the balance, | – | – | – | 50,586 36 |
| 1837.—January 1st, From same, due from date, | 40,000 00 | 40,000 00 | | |
| 8th May, 1837, Commissioners Sinking Fund paid off note, | – | – | 853 08 | 40,853 08 |
| 1837.—March 1st, due from date, | 25,000 00 | 25,000 00 | | |
| 8th May, 1837, Paid off by Commissioners Sinking Fund, | – | – | 204 11 | 25,204 11 |
| 1838.—April 3d, From same bank, payable six months after date, | 50,000 00 | 48,475 00 | 1,525 00 | |
| Paid by Treasurer, at maturity, | – | – | – | 50,000 00 |
| 1838.—May 11, From same Bank, payable six months after date, | 50,000 00 | 48,475 00 | 1,525 00 | 50,000 00 |
| | 216,000 00 | 211,950 00 | 5,693 55 | 217,643 55 |

No. 1—Continued.

| Bank from whom borrowed. | Amount of Note. | Proceeds of Note. | Interest and Discount on Note. | Total Principal and Interest paid. |
|---|---|---|---|---|
| 1836.—Oct. 10, From Bank of Kentucky, due from date, - - | 30,000 00 | 30,000 00 | | |
| Paid by Commissioners Sinking Fund, 8th May, 1837, - | – | – | 648 17 | 30,648 17 |
| 1837.—January 4, From same, due from date, - - - - | 60,000 00 | 60,000 00 | | |
| Paid by Commissioners Sinking Fund, 8th May, 1537, - | – | – | 1,240 08 | 61,240 08 |
| 1837.—April 1st, From same, due from date, - - - - | 30,000 00 | 30,000 00 | | |
| Paid off by Commissioners Sinking Fund, 8th May, 1837, | – | – | 190 02 | 30,190 02 |
| 1837.—April 15th, From same, due from date, - - - - | 20,000 00 | 20,000 00 | | |
| Paid by Commissioners Sinking Fund, 8th May, 1837, | – | – | 76 68 | 20,076 68 |
| 1838.—January 6, From same, due from date, - - - - | 100,000 00 | 100,000 00 | | |
| 1838.—May 21, From same, due from date, - - - - | 125,000 00 | 125,000 00 | | |
| Bank of Kentucky, - - - - - - - - | $365,000 00 | 365,000 00 | 2,154 95 | 142,154 95 |
| Northern Bank of Kentucky, - - - - - - - | 216,000 00 | 211,950 00 | 5,693 55 | 217,643 55 |
| Bank of Louisville, - - - - - - - - | 65,666 66 | 64,407 38 | 2,228 18 | 66,635 56 |
| Yet due to the Bank of Kentucky, - - - - - - | – | – | – | 225,000 00 |
| | $646,666 66 | 641,357 38 | 10,076 68 | 651,434 06 |

RECAPITULATION.

| | | | |
|---|---|---|---|
| Total rec'd from Northern Bk., | $211,950 00 | | |
| Total Int. and Dis. paid do. | – | 5,693 55 | |
| Total Principal and int. paid do. | – | – | 217,643 55 |
| Total rec'd from Bk Louisville, | 64,407 38 | | |
| Total int. and dis. paid do. do. | – | 2,228 18 | |
| Total principal and int. paid do. | – | – | 66,635 56 |
| Total received from Bk of Ky. | 365,000 00 | | |
| Total int. and dis. paid do. | – | 2,154 95 | |
| Total prin. and int, paid do. | – | – | 142,154 95 |
| Total yet due of principal do. | – | – | 225,000 00 |
| | $641,357 38 | 10,076 68 | 651,434 06 |

RECAPITULATION—Continued.

| | |
|---|---|
| Money received from all the Banks, - - - - - | $641,357 38 |
| Interest paid all the banks, - - - - - - | 10,076 68 |
| | $651,434 06 |
| Money paid to all the Banks, - - - - - - | $426,434 06 |
| Money yet due to all the Banks, - - - - - | 225,000 00 |
| | $651,434 06 |

The money borrowed from the Banks previous to the year 1838, viz: $275,000, together with interest and discount, was paid by the Commissioners of the Sinking Fund, as shown by their books:

| | |
|---|---|
| On the 8th March, 1837, they paid interest, - - - | $610 00 |
| 11th March, 1837, they paid interest, - - - | 1,000 00 |
| And early in May, having purchased bonds from the Governor amounting to 500,000, they paid - - - - | 275,000 00 |
| Additional interest, - - - - - - - - | 3,982 73 |
| | 280,592 73 |
| And placed the residue of proceeds of said purchase, amounting to $221,017 27, to the credit of the Board of Internal Improvement. | |
| The two remaining sums borrowed from the Bank of Louisville, amounting to the aggregate sum of $44,407 38, and interest amounting to the sum of $1,433 95, were paid by the State Treasurer, - - - - | 45,841 33 |
| Also, the two remaining sums borrowed from the Northern Bank, amounting to the sum of 96,950 dollars, and discount amounting to the sum of 3,050, - - - | 100,000 00 |
| | 426,434 06 |
| Yet due Bank of Kentucky, - - - - - - | 225,000 00 |
| | $651,434 06 |

*To the Committee on the Sinking Fund:*

Gentlemen—The inquiries embraced in the instructions of the House of Representatives, accompanying the reference to you of the annual report of the Commissioners of the Sinking Fund, are herein answered.

First. The Commissioners have paid to the Bank of Louisville, 610 dollars, and to the Northern Bank of Kentucky, 1000 dollars, interest on loans made by these Banks to the Board of Internal Improvement.

Second. The Governor received from the War Department, in payment of 165,000 dollars of Internal Improvement bonds, 125,440 dollars, on the 18th of April, 1837, in two warrants from the Treasury Department—one numbered 6,179, and the other 6,180; the first on the Bank of America, in the city of New York, for the sum of 64,980 dollars; the latter on the Manhattan Bank, of the city of New York, for the sum of 60,460 dollars; which were sold to the Branch of the Bank of Kentucky, at Frankfort, at a premium of one per centum; the proceeds of which, making the gross sum of $126,694 40, (taking therefrom the half per cent. commission allowed Major Tilford, as agent,) was paid into the Treasury on the same day; for which the Auditor issued his quietus. On the 21st June, 1837, the Governor received the balance ($36,260) in checks on the Northern Bank of Kentucky, and on the 22d day of June, 1837, (deducting the half per cent. commission thereon, paid to said agent,) paid the amount into the Treasury, and received the Auditor's quietus therefor. The date of the drafts were not recorded, that fact not being esteemed essential; if, however, it is deemed important to the general interest of the Commonwealth, I will cause letters to be addressed to the respective Banks in the city of New York, and ascertain their dates. The interest paid upon the 165,000 dollars of bonds sold to the War Department, is as follows: The July (1837) instalment, $2,062 50; the January (1838) instalment, 4,125 dollars; the July (1838) instalment, 4,125 dollars. Total, $10,312 50. The following exchange has been paid in transfering the interest as it accrued upon the bonds, to the city of New York: In January, 1837, 25 dollars; in July, $119 25; and $192 18 was paid, to make the currency equivalent to specie. In January, 1838, $869 52, and to make the currency equivalent to species, $219 38. Total, $1,425 33.

Third. No portion of the principal obtained by the sale of State bonds has ever been applied by the Commissioners to the payment of the interest on said bonds; the Commissioners have no control of that fund, nor has one dollar thereof ever been in their hands.

Fourth. The Board of Commissioners of the Sinking Fund was organized on the 20th October, 1836; before that time, the funds had remained in the hands of the Treasurer of the State. On the 11th January, 1837, the account was balanced with the Treasurer, and the proper amount paid over by him, on and before that day, amounting to the sum of 33,249 dollars 33 cents; up to that period, the Commissioners paid out the sum of 8,775 dollars 50 cents—leaving a balance on that day, of 24,473 dollars 83 cents.

On the first of July, 1837, 715,567 dollars 7 cents had been received; to which add the balance on 11th January, which makes the sum of 740,040 dollars 90 cents; from which deduct the amount expended, 569,923 dollars 86 cents. Balance, 170,117 dollars 4 cents.

On the first of January, 1838, 274,471 dollars 29 cents had been received;

to which add the balance on the 1st July, 1837, which makes the sum of $444,588 33; from which deduct the amount expended, $410,724,46; balance, $33,863 87.

On the first July, 1838, there had been received $37,554 48; to which add the balance on the first January, which makes the sum of $71,418 35; from which deduct $49,763 04, the amount expended; balance $21,655 31.

On the 13th December, 1838, up to which date the commissioners made their annual report, there had been received $139,341 30; to which add the balance on the first of July, which makes the sum of $160,996 61; from which deduct $105,921 12, the amount expended, and it gives the balance, as reported by the Commissioners, of $55,075 49.

That these amounts received, expended, and the balances on hand at the respective time, may be more readily comprehended, the following condensed statement is given:

| Dates. | Amounts received. | Amounts expended. | Balances. |
|---|---|---|---|
| 1837. | | | |
| January 11, | $ 33,249 33 | $ 8,775 50 | $ 24,473 83 |
| July 1, | 740,040 90 | 569,923 86 | 170,117 04 |
| 1838. | | | |
| January 1, | 444,588 33 | 410,724 46 | 33,863 87 |
| July 1, | 71,418 35 | 49,763 04 | 21,655 31 |
| Dec. 13, | 160,996 61 | 105,921 12 | 55,075 49 |

The last clause of this inquiry, in relation to the amount invested in Bank stock, the time when invested, and the price given, will be found in the following statement:

Statement of the Bank stock purchased by the Commissioners of the Sinking Fund since their organization.

| | | |
|---|---|---|
| January 27, 1837. | 250 shares of the Bank of Ky. at $93 50 per share, bought in Philadelphia, - - - | $23,375 00 |
| " 27, | 200 shares of Northern Bank at $68 50 for $70 paid in, bought in Philadelphia, - - - | 13,700 00 |
| | Paid up in full on each share $30, - - - | 6,000 00 |
| April 11, | 125 do. of the Bank of Louisville, at par, in Ky. | 12,500 00 |
| " 13, | 50 do. of do. do. at par, do. | 5,000 00 |
| | Brokage ¼ of one per cent. on $37,075, - - | 92 69 |
| | Exchange of 1 per cent. on $43,167 69, - - | 431 67 |
| | | $61,099 36 |
| 1838. | | |
| April 19, | 100 shares of B'k Ky. at $81 per share, bought in Phil'a. | $ 8,100 00 |
| May 25, | 120 do. of do. at $93 do. do. - | 11,160 00 |
| 26, | 44 do. of do. at $93 do. do. - | 4,092 00 |
| 26, | 60 do. of do. at $93 50 do. do, - | 5,610 00 |
| 29, | 50 do. of do. at $93 50 do. do. - | 4,675 00 |
| 29, | 137 do. of do. at $93 50 do. do. - | 12,809 50 |
| | Interest on $4,675, for 3 days, - - - | 2 34 |
| | Amount carried forward, - - - - | $46,448 84 |

| | | | | | |
|---|---|---|---|---|---|
| Amount brought forward, | | | | | $46,448 84 |
| Brokerage of ¼ of 1 per cent. on $46,446, | | | | | 116 12 |
| Exchange of 2 per cent. on | $13,900 00 | | $278 00 | | |
| of 3 do. on | 2,263 35 | | 67 90 | | |
| of 3 do. on | 15,000 00 | | 450 00 | | |
| of 3 do. on | 7,212 62 | | 216 38 | | |
| of 5 do. on | 8,086 15 | | 404 30 | | |
| Deficit in transfer, | | | 20 00 | | |
| | | | | | 1,436 58 |
| | | | | | $48,001 54 |
| July 13, 75 shares of Bank of Ky. at $90 per share, bought in New York, | | | | | $6,750 00 |
| Sept. 17, 50 shares of Northern Bank of Ky. at $84 for $85 paid, in Ky. | | | | | 4,200 00 |
| Paid up, in full, on each share $15, | | | | | 750 00 |
| Interest on $750, back to 1st July, | | | | | 9 37 |
| Brokerage on $6,750, ¼ of 1 per cent. | | | | | 16 87 |
| | | | | | $11,726 24 |
| Oct. 6, 259 $\frac{6 \cdot 4 \cdot 0}{1 0 0}$ shares invested in 5th million (under act of the Legislature) of the Bank of Ky. at par, | | | | | $25,956 40 |
| Oct. 22, 150 shares of Northern Bank of Ky. at $80 50 for $85 paid in, bought in Philadelphia, | | | | | $12,075 00 |
| Paid up in full on each share $15, | | | | | 2,250 00 |
| Interest on $2,250 from first July to 8th Nov. | | | | | 48 00 |
| 24, 150 shares of B'k of Ky. at $87 per share, sold in Phil'a. | | | | | 13,050 00 |
| 30, 50 do. of do. at 88 do. | | | | do. | 4,400 00 |
| 30, 200 do. of do. at 88 50 do. | | | | do. | 17,700 00 |
| Nov. 10, 33 do. of do, at 88 75 do. | | | | do. | 2,928 75 |
| 26, 8 do. of do. at 87 do. | | | | do. | 696 00 |
| Brokerage on $50,849 75, ¼ of one per cent. | | | | | 127 13 |
| Exchange of 1½ per cent. on $45,298, | | | | | 679 47 |
| | | | | | $53,954 35 |

The Commissioners have purchased, since the organization of the Board, 1852 shares of stock in the Banks of Kentucky, to wit: in the Bank of Kentucky, 1277 shares; in the Northern Bank of Kentucky, 400 shares; and in the Bank of Louisville, 175 shares; costing $174,781 49, including exchange $2,547 72, brokage $352 81, and interest advanced $59 71. They have also subscribed for 259 $\frac{6 \cdot 4 \cdot 0}{1 0 0}$ shares in the fifth million of the capital stock of the Bank of Kentucky, paying therefor $25,956 40, which, added to the number of shares purchased, makes the total number 2111 $\frac{6 \cdot 4 \cdot 0}{1 0 0}$ shares, acquired since the organization of the Board, costing the gross sum of $200,737 89. They also invested $20,000 in five per cent. Internal Improvement Bonds of Kentucky, at par, on the 10th day of December, 1837.

JAS. CLARK, *Chairman*
*Board of Commissioners of Sinking Fund.*

# APPENDIX No. 1

TO

# AUDITOR'S ANNUAL REPORT.

---

DECEMBER SESSION, 1838.

---

STATE OF KENTUCKY, AUDITOR'S OFFICE,
*January* 17, 1339.

SIR:

Please lay before the House over which you preside the accompanying documents, which is intended as an Appendix to Auditor's Annual Report, for the year ending October 10, 1838,

And oblige yours, &c.,

BEN. SELBY, *Auditor.*

Hon. C. A. WICKLIFFE,
*Speaker of the Senate.*

*Valuation of Property, as per Commissioners' Books, for* 1835, 1836, 1837, 1838.

| COUNTIES. | 1835 | 1836 | 1837 | 1838 | Amount received under equalizing law. | Voters. | Children. |
|---|---|---|---|---|---|---|---|
| | Dollars. | Dollars. | Dollars. | Dollars. | Dollars. | No. | No. |
| Adair, - - | 990,441 | 1,084,349 | 1,196,764 | 1,327,766 | 48,362 | 1,242 | |
| Allen, - - | 673,550 | 736,876 | 942,204 | 1,067,762 | 92,863 | 1,123 | |
| Anderson, - - | 692,950 | 840,709 | 1,040,604 | 1,063,714 | 69,770 | 809 | 1,162 |
| Bracken, - - | 984,763 | 1,203,044 | 1,408,705 | 1,858,147 | 380,908 | 1,103 | |
| Bullitt, - - | 1,078,240 | 1,417,611 | 1,468,575 | 1,692,886 | 260,353 | 932 | |
| Bourbon, - - | 6,985,440 | 9,386,503 | 11,536,002 | 12,204,209 | 1,443,134 | 1,707 | |
| Barren, - - | 2,221,016 | 2,454,766 | 2,940,086 | 3,065,452 | 398,894 | 2,310 | |
| Breckinridge, - - | 1,180,654 | 1,337,735 | 1,684,251 | 1,978,801 | 352,567 | 1,248 | |
| Boone, - - | 2,200,818 | 2,898,718 | 3,227 955 | 3,768,820 | 376,750 | 1,368 | |
| Butler, - - | 376,277 | 362,161 | 427,630 | 477,629 | 42,105 | 462 | |
| Bath, - - | 2,100,837 | 2,681,542 | 3,365,799 | 3,166,543 | 185,140 | 1,386 | |
| Campbell, - - | 2,028,809 | 2,561,705 | 2,792,367 | 2,971,243 | None. | 1,698 | |
| Caldwell, - - | 1,370,854 | 1,541,242 | 1,710,640 | 1,878,143 | 162,598 | 1,318 | 2,200 |
| Christian, - - | 3,152,746 | 4,050,673 | 4,480,715 | 4,709,429 | 388,343 | 1,680 | |
| Clarke, - - | 4,227,637 | 5,396,124 | 6,539,661 | 6,331,726 | 636,058 | 1,442 | 2,004 |
| Clay, - - | 446,734 | 437,048 | 437,598 | 713,481 | 116,087 | 695 | |
| Cumberland, - - | 1,054,788 | 1,120,407 | 1,106,001 | 1,074,280 | 152,210 | 862 | |
| Calloway, - - | 708,264 | 880,594 | 1,010,150 | 1,086,696 | 54,255 | 1,381 | |
| Casey, - - | 437,107 | 488,156 | 685,085 | 718,016 | — | 770 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cumberland, | 1,054,788 | 1,120,407 | 1,106,001 | 1,074,280 | 152,210 | 862 | |
| Calloway, | 708,264 | 880,594 | 1,010,150 | 1,086,696 | 54,255 | 1,381 | |
| Casey, | 437,107 | 488,156 | 685,085 | 718,016 | – | 770 | |
| Clinton, | – | – | 361,369 | 394,552 | 35,565 | 614 | 1,180 |
| Carroll, | – | – | – | – | – | | |
| Carter, | – | – | – | 246,365 | 23,304 | 469 | |
| Daviess, | 1,146,144 | 1,454,362 | 2,076,752 | 2,510,843 | 362,613 | 1,123 | |
| Edmonson, | 228,577 | 330,573 | 356,953 | 412,803 | 61,278 | 517 | |
| Estill, | 497,344 | 597,607 | 807,148 | 887,573 | 114,472 | 975 | 1,548 |
| Franklin, | 2,246,204 | 2,611,323 | 3,243,821 | 3,619,012 | 530,447 | 1,175 | |
| Fayette, | 11,849,357 | 13,885,009 | 15,683,911 | 15,472,011 | 691,305 | 2,342 | 3,107 |
| Floyd, | 322,939 | 363,445 | 476,386 | 591,077 | 110,615 | 898 | |
| Fleming, | 2,302,031 | 2,965,120 | 3,553,118 | 4,115,375 | 646,101 | ,125 | 2,434 |
| Gallatin, | 1,321,590 | 1,701,203 | 2,316,947 | 2,044,650 | 174,666 | 988 | |
| Greenup, | 882,988 | 1,027,055 | 1,616,609 | 1,186,015 | 48,017 | 1,369 | |
| Green, | 2,074,536 | 2,599,486 | 2,845,272 | 2,942,597 | 309,927 | 1,952 | |
| Grant, | 420,209 | 549,714 | 806,308 | 856,850 | 86,541 | 655 | |
| Graves, | 488,614 | 624,737 | 773,532 | 840,417 | 28,296 | 963 | |
| Grayson, | 327,367 | 392,908 | 433,365 | 542,864 | 98,464 | 752 | |
| Garrard, | 2,418,927 | 3,123,792 | 3,392,271 | 3,657,002 | 459,458 | 1,501 | |
| Henry, | 2,362,378 | 3,250,597 | 4,082,651 | 4,393,166 | 753,420 | 1,528 | 2,226 |
| Hart, | 662,537 | 831,383 | 932,908 | 1,107,579 | 103,905 | 950 | |
| Harlan, | 207,371 | 214,246 | 248,788 | 260,112 | 41,110 | 448 | |
| Henderson, | 1,554,560 | 1,973,655 | 2,358,985 | 2,466,792 | 90,794 | 983 | |
| Hopkins, | 935,213 | 1,056,120 | 1,214,544 | 1,414,788 | – | 1,207 | 2,268 |
| Hickman, | 919,333 | 1,232,569 | 1,493,140 | 1,725,791 | 182,912 | 1,502 | |
| Harrison, | 2,774,879 | 3,809,980 | 4,467,979 | 4,640,387 | 452,872 | 1,715 | |
| Hardin, | 2,053,256 | 2,515,245 | 3,012,544 | 3,269,779 | 410,641 | 2,260 | |
| Hancock, | 265,564 | 343,453 | 453,237 | 571,370 | 27,966 | 369 | |
| Jefferson, | 11,848,162 | 19,306,267 | 19,886,462 | 23,011,170 | 39,255 | 4,400 | |
| Jessamine, | 2,767,320 | 3,769,329 | 4,107,177 | 4,635,101 | 601,983 | 1,148 | 1,360 |
| Knox, | 431,805 | 445,773 | 502,677 | 665,289 | 105,095 | 716 | |
| Lewis, | 637,927 | 771,092 | 851,523 | 846,374 | 67,031 | 939 | |
| Lincoln, | 2,807,185 | 3,583,317 | 4,557,813 | 4,349,309 | 539,722 | 1,243 | |

VALUATION OF PROPERTY, &c.—Continued.

| COUNTIES. | 1835 | 1836 | 1837 | 1838 | Amount received under equalizing law. | Voters. | Children. |
|---|---|---|---|---|---|---|---|
| | Dollars. | Dollars. | Dollars. | Dollars. | Dollars. | No. | No. |
| Laurel, | 195,962 | 254,899 | 285,353 | 316,090 | 34,571 | 521 | |
| Lawrence, | 269,917 | 310,860 | 357,942 | 379,306 | 8,556 | 830 | |
| Livingston, | 1,001,449 | 1,238,693 | 1,475,626 | 1,645,594 | 209,046 | 1,157 | |
| Logan, | 2,944,159 | 3,361,067 | 3,948,917 | 4,400,392 | 556,965 | 1,556 | |
| Muhlenberg, | 726,309 | 789,848 | 989,820 | 1,334,291 | 201,941 | 1,063 | 1,774 |
| Madison, | 3,629,668 | 5,377,949 | 6,085,296 | 7,227,999 | 1,289,473 | 2,092 | |
| Montgomery, | 2,867,925 | 3,391,966 | 4,281,411 | 4,437,636 | 529,022 | 1,144 | |
| Mercer, | 3,710,275 | 4,587,672 | 6,333,752 | 6,554,707 | 684,622 | 2,281 | |
| Morgan, | 245,038 | 295,822 | 370,680 | 469,323 | 27,552 | 661 | 746 |
| Mason, | 4,287,508 | 5,656,232 | 6,448,122 | 6,968,476 | – | 2,331 | |
| Monroe, | 573,303 | 632,548 | 730,340 | 785,250 | 79,167 | 909 | |
| Meade, | 862,798 | 820,939 | 1,137,076 | 1,227,228 | – | 668 | |
| McCracken, | 373,536 | 515,761 | 806,987 | 1,001,470 | 124,530 | 609 | |
| Marion, | 1,520,139 | 1,689,948 | 2,105,347 | 2,455,895 | 236,484 | 1,361 | |
| Nicholas, | 1,689,613 | 2,644,816 | 2,980,263 | 3,002,723 | None. | 1,290 | |
| Nelson, | 3,443,532 | 4,174,550 | 5,004,792 | 4,549,813 | 727,508 | 1,792 | |
| Ohio, | 561,164 | 635,343 | 779,819 | 830,368 | 72,365 | 949 | 1,822 |
| Owen, | 881,390 | 1,228,113 | 1,451,470 | 1,631,473 | 70,236 | 1,149 | |
| Oldham, | 1,773,395 | 2,106,588 | 2,202,871 | 2,787,328 | None. | 955 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Ohio, | 561,164 | 635,343 | 779,819 | 830,368 | 72,365 | 949 | 1,822 |
| Owen, | 881,390 | 1,228,113 | 1,451,470 | 1,631,473 | 70,236 | 1,149 | |
| Oldham, | 1,773,395 | 2,106,588 | 2,202,871 | 2,787,328 | None. | 955 | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Pulaski, | 912,109 | 932,843 | 1,197,427 | 1,225,799 | 119,955 | 1,749 | |
| Perry, | 181,884 | 214,287 | 275,928 | 319,705 | None. | 674 | 1,382 |
| Pendleton, | 474,541 | 605,671 | 866,696 | 959,140 | 128,207 | 713 | 858 |
| Pike, | 184,468 | 215,399 | 249,199 | 281,091 | 26,275 | 510 | |
| Rockcastle, | 312,040 | 379,062 | 433,030 | 523,379 | 47,214 | 650 | |
| Russell, | 370,517 | 410,269 | 477,652 | 506,101 | 67,382 | 676 | |
| Simpson, | 889,492 | 1,079,033 | 1,296,195 | 1,306,035 | 155,044 | 845 | |
| Shelby, | 5,718,961 | 7,326,475 | 8,966,236 | 8,500,929 | 866,728 | 2,198 | |
| Scott, | 4,151,114 | 5,789,352 | 6,641,627 | 6,221,882 | 528,115 | 1,895 | |
| Spencer, | 1,596,094 | 1,854,921 | 2,053,379 | 2,428,845 | 195,017 | 923 | |
| Todd, | 1,967,865 | 2,518,819 | 2,660,549 | 2,720,435 | 265,617 | 1,056 | |
| Trigg, | 1,021,745 | 1,306,307 | 1,579,413 | 1,599,595 | 181,071 | 995 | |
| Trimble, | – | – | – | 1,385,145 | 166,732 | 858 | |
| Union, | 854,783 | 906,206 | 1,090,438 | 1,422,392 | None. | 875 | |
| Wayne, | 773,670 | 800,184 | 911,321 | 1,137,268 | 180,212 | 1,140 | |
| Woodford, | 4,705,414 | 5,461,806 | 6,856,672 | 6,028,394 | 715,729 | 1,180 | |
| Warren, | 2,044,523 | 2,651,422 | 3,237,500 | 3,285,892 | 137,000 | 920 | |
| Whitley, | 228,764 | 244,652 | 312,898 | 350,299 | 31,141 | 709 | |
| Washington, | 1,642,666 | 2,302,475 | 2,462,248 | 2,983,525 | 260,384 | 1,376 | |
| Total, | $149,273,972 | 191,022,117 | 224,259,274 | 242,022,969 | 21,192,033 | 104,622 | 26,071 |

BEN. SELBY, *Audiior.*

NOTE. Since the above report was made to the Legislature, the amount of taxable property, &c. under the Equalization Law, in the county of Oldham, has been handed to the Public Printer by the Auditor, and is $235,740. It was in his original draft, but omitted by the copyist.

# REPORT

OF THE

# MANAGERS OF THE LUNATIC HOSPITAL,

FOR 1838.

---

*To the Honorable the General Assembly*
*of the Commonwealth of Kentucky:*

The Commissioners of the Lunatic Asylum respectfully beg leave to submit their fifteenth annual report.

The accompanying document marked A, exhibits a list of patients who have received the benefits of the Institution during the past year; the time of admission; disease; age; sex; county or State from where they came, with remarks. From which it appears that 63 have been received during the year, making, together with 113 remaining at last report, 176; of whom 16 have been restored; 9 have eloped, and 29 have died, leaving at this time one hundred and twenty two in the house, viz: 54 males and 68 females.

Since the opening of the Institution 690 patients have been admitted, 301 discharged, and 267 have died.

Your Commissioners refer you to document marked B, containing a synopsis of the financial transactions of the institution for the past year; the State appropriation; board paid for patients and advanced by their committees, together with the balance on hand last year, amount to ten thousand six hundred and seventy dollars sixty eight and a fourth cents; and the expenditure for the support of the institution, to ten thousand six hundred and thirty five dollars sixty nine and a half cents. Leaving a balance in the Chairman's hands, of thirty four dollars ninety eight and three fourth cents.

The Asylum was visited during the past summer by that dreadful scourge of the human race, the small pox. It prevailed for the space of four months, and thirty three persons were attacked, to five of whom it proved fatal. Among them was the late keeper, Mr. John King. The Commissioners feel gratified in being enabled to state that they have succeeded in supplying this vacancy, by the appointment of Mr. John Catherwood, whose exertions thus far, have given satisfaction.

The attention of the Legislature is solicited, to the increased wants of the institution, in consequence of the gradual increase of the patients, to afford the necessary comforts to them, an additional building is required and an accession to the ground. In consequence of the small pox, and increased price of provisions, it will be absolutely necessary to appropriate from eight to ten thousand dollars for the support of the institution, for the ensuing year.

All which is respectfully submitted.

JOHN W. HUNT, Chairman,
S. CHIPLEY,
R. HIGGINS,
JER'H. KIRTLEY.

LEXINGTON, JANUARY 1st, 1839.

A.

LIST OF PATIENTS *who have received the benefits of the Lunatic Asylum, from the* 1st *day of January to the* 31st *day of December*, 1838.

| Date of reception. | Disease. | Sex. | Age. | County from whence bro't. | No. | Remarks. |
|---|---|---|---|---|---|---|
| 1824 | | | | | | |
| May 4, - - | Idiocy, - - | F | 23 | Bracken, - | 5 | 1839, Jan. 1st, remains stationary, works. |
| July 20, - - | Catamania, - | F | 42 | Clarke, - | 25 | 1839, Jan. 1st, remains stationary. |
| October 23, - | Mania, - - | F | 33 | Madison, - | 40 | 1839, Jan. 1st, remains stationary. |
| November 25, - | Mania, - - | M | 43 | Fayette, - | 50 | 1839, Jan. 1st, remains stationary, works. |
| 1825 | | | | | | |
| January 25, - | Idiocy, - - | F | 42 | Shelby, - | 55 | 1839, Jan. 1st, remains stationary, works. |
| 1826 | | | | | | |
| April 4, - - | Mania, - - | M | 38 | Jefferson, - | 101 | 1839, Jan. 1st, remains stationary. |
| October 25, - | Mania, - - | M | 54 | Jessamine, - | 125 | 1838 Aug. 23, died, smallpox. |
| 1827 | | | | | | |
| May 29, - - | Peurperil, - - | F | 59 | Washington, | 140 | 1839, Jan. 1, remains stationary. |
| July 7, - - | Idiocy, - - | F | 54 | Fayette, - | 149 | 1838, Oct. 9, died, smallpox. |
| November 2, - | Idiocy, - - | F | 19 | Bracken, - | 157 | 1839, Jan. 1, remains stationary, works. |
| November 23, - | Mania, - - | F | 52 | Logan, - | 159 | 1839, Jan. 1, remains stationary. |
| December 23, - | Mania, - - | F | 47 | McCracken, | 161 | 1839, Jan. 1, remains stationary, works. |

A—Continued.

| Date of reception. | Disease. | Sex. | Age. | County from whence bro't. | No. | Remarks. |
|---|---|---|---|---|---|---|
| 1828 | | | | | | |
| February 15, - | Mania, - - | M | 49 | Mississippi, | 165 | 1839, Jan. 1, remains stationary. |
| April 10, - - | Mania, - - | F | 49 | Barren, - | 168 | 1839, Jan. 1, remains stationary, works. |
| May 7, - - | Mania, - - | F | 36 | Laurel, - | 173 | 1839, Jan. 1, remains stationary. |
| August 4, - - | Idiocy, - - | F | 50 | Wayne, - | 183 | 1839, Jan. 1, remains stationary. |
| October 2, - - | Mania, - - | M | 42 | Barren, - | 193 | 1839, Jan. 1, remains stationary, works. |
| 1829 | | | | | | |
| April 29, - - | Epilepsy, - - | M | 27 | Jefferson, - | 208 | 1839, Jan. 1, remains stationary. |
| July 25, - - | Mania, - - | F | 41 | Simpson, - | 220 | 1839, Jan. 1, remains stationary. |
| September 5, - | Epilepsy, - - | F | 23 | Mercer, - | 224 | 1839, Jan. 1, remains stationary. |
| 1830 | | | | | | |
| April 21, - - | Mania, - - | F | 60 | Mercer, - | 249 | 1838, Jan. 1, died, atrophy. |
| June 24, - - | Mania, - - | F | 46 | Mercer, - | 254 | 1839, Jan. 1, remains stationary. |
| September 2, - | Epilepsy, - - | F | 36 | Spencer, - | 261 | 1839, Jan. 1, remains stationary. |
| October 2, - - | Mania, - - | M | 40 | Mercer, - | 263 | 1839, Jan. 1, remains stationary, works. |
| October 25, - | Epilepsy, - - | F | 45 | Ohio, - | 268 | 1839, Jan. 1, remains stationary. |
| 1831 | | | | | | |
| December 11, - | Mania, - - | F | 40 | Allen, - | 311 | 1839, Jan. 1, remains stationary. |
| 1832 | | | | | | |
| March 31, - - | Mania, - - | F | 44 | Tennessee, | 328 | 1838, Sept. 8, died, consumption. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1832 | | | | | | | |
| March 31, - - | Mania, - - | F | 44 | Tennessee, | 328 | 1838, Sept. 8, died, consumption. | |
| August 21, - | Epilepsy, - - | M | 39 | Mason, - | 338 | 1839, Jan. 1, remains stationary. | |
| October 19, - | Mania, - - | F | 41 | Woodford, | 348 | 1839, Jan. 1, remains stationary. | |
| October 19, - | Mania, - - | F | 51 | Fayette, - | 349 | 1839, Jan. 1, remains stationary. | |
| December 11, - | Idiocy, - - | F | 41 | Fayette, - | 354 | 1838, June 24, died, dysentery. | |
| 1833 | | | | | | | |
| April 22, - - | Idiocy, - - | M | 26 | Nelson, - | 368 | 1839, Jan. 1, remains stationary. | |
| July 31, - - | Idiocy, - - | M | 28 | Shelby, - | 374 | 1839, Jan. 1, remains stationary, works. | |
| November 6, - | Mania, - - | M | 39 | Fayette, - | 388 | 1839, Jan. 1, remains stationary. | |
| 1834 | | | | | | | |
| February 23, - | Mania, - - | F | 40 | Hart, - | 398 | 1839, Jan. 1, remains stationary, works. | |
| March 19, - - | Mania, - - | F | 32 | Fayette, - | 400 | 1839, Jan. 1, remains stationary. | |
| April 4, - - | Epilepsy, - - | F | 43 | Bracken, - | 403 | 1839, Jan. 1, remains stationary. | |
| April 21, - - | Idiocy, - - | F | 24 | Livingston, | 406 | 1838, Jan. 1, died, atrophy. | |
| April 24, - - | Mania, - - | F | 29 | Jessamine, - | 407 | 1839, Jan. 1, remains stationary. | |
| May 1, - - | Mania, - - | F | 34 | Logan, - | 408 | 1839, Jan. 1, remains stationary, works. | |
| May 10, - - | Idiocy, - - | F | 48 | Campbell, - | 409 | 1838, Feb. 24, died, atrophy. | |
| May 17, - - | Mania, - - | F | 26 | Owen, - | 410 | 1839, Jan. 1, remains stationary. | |
| June 14, - - | Mania, - - | F | 28 | Franklin, - | 414 | 1839, Jan. 1, remains stationary. | |
| August 18, - - | Mania, - - | M | 30 | Bath, - | 430 | 1839, Jan. 1, remains stationary. | |
| August 20, - - | Mania, - - | M | 42 | Simpson, - | 432 | 1839, Jan. 1, remains stationary. | |
| August 24, - - | Mania, - - | F | 39 | Shelby, - | 433 | 1839, Jan. 1, remains stationary. | |
| September 19, - | Mania, - - | F | 23 | Allen, - | 437 | 1839, Jan. 1, remains stationary. | |
| 1835 | | | | | | | |
| January 12, - | Mania, - - | M | 36 | Jefferson, - | 450 | 1839, Jan. 1, remains stationary. | |
| January 19, - | Mania, - - | M | 34 | Bourbon, - | 451 | 1839, Jan. 1, remains stationary. | |
| March 13, - - | Mania, - - | F | 28 | Warren, - | 454 | 1839, Jan. 1, remains stationary. | |

A—Continued.

| Date of reception. | Disease. | Sex. | Age. | County from whence bro't. | No. | Remarks. |
|---|---|---|---|---|---|---|
| 1835 | | | | | | |
| March 26, - - | Mania, - - | F | 30 | Nicholas, - | 458 | 1839, Jan. 1, remains stationary. |
| May 22, - - | Mania, - - | F | 58 | Shelby, - | 462 | 1839, Jan. 1, remains stationary. |
| May 23, - - | Epilepsy, - - | F | 23 | Jessamine, - | 463 | 1838, Sept. 22, died, fits. |
| May 26, - - | Idiocy, - - | M | 23 | Montgomery | 465 | 1839, Jan. 1, remains stntionary, works. |
| June 10, - - | Mania, - - | F | 39 | Harrison, - | 466 | 1838, Dec. 31, died, convulsions. |
| July 20, - - | Mania, - - | M | 67 | Fayette, - | 474 | 1839, Jan. 1, remains stationary. |
| August 26, - - | Mania, - - | M | 32 | Montgomery | 480 | 1839, Jan. 1, remains stationary. |
| November 4, - | Epilepsy, - - | M | 13 | Wayne, - | 491 | 1838, Oct. 20, died, fits. |
| November 7, - | Idiocy, - - | F | 53 | Bourbon, - | 492 | 1839, Jan. 1, remains stationary, works. |
| 1836 | | | | | | |
| February 12, - | Idiocy, - - | F | 38 | Henry, - | 507 | 1839, Jan. 1, remains stationary, works. |
| March 17, - - | Mania, - - | F | 48 | Madison, - | 511 | 1838, July 29, died, dysentery. |
| April 26, - - | Idiocy, - - | F | 33 | Harrison, - | 518 | 1839, Jan. 1, remans stationary. |
| August 4, - - | Mania, - - | F | 28 | Hancock, - | 532 | 1839, Jan. 1, remains stationary. |
| Aagust 17, - - | Mania, - - | F | 23 | Allen, - | 538 | 1839, Jan. 1, remains stationary. |
| Agust 26, - - | Melancholia, - | M | 53 | Green, - | 543 | 1839, Jan. 1, remains stationary. |
| August 29, - | Mania, - - | F | 43 | Grant, - | 545 | 1839, Jan. 1, remains stationary. |
| September 2, - | Mania, - - | F | 46 | Bourbon, - | 546 | 1838, Feb. 22, died, atrophy. |
| September 19, - | Mania, - - | M | 26 | Breckinridge, | 549 | 1839, Jan. 1, remains stationary. |
| October 21, - | Epilepsy, - - | M | 25 | Cumberland, | 550 | 1838, June 7, died, dropsy of brain. |
| November 15, - | Mania, - - | M | 48 | Illinois, - | 553 | 1838, Sept. 12, died, atrophy. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| September 15, - | Mania, - - | M | 26 | Breckinridge, | 549 | 1839, Jan. 1, remains stationary. |
| October 21, - | Epilepsy, - - | M | 25 | Cumberland, | 550 | 1838, June 7, died, dropsy of brain. |
| November 15, - | Mania, - - | M | 48 | Illinois, - | 553 | 1838, Sept. 12, died, atrophy. |





| 1837 | | | | | | |
|---|---|---|---|---|---|---|
| January 26, - | Mania, - - | M | 65 | Scott, - | 563 | 1839, January 1, remains stationary. |
| February 1, - | Mania, - - | M | 43 | Henry, - | 565 | 1839, January 1, remains stationary. |
| February 1, - | Catamania, - | F | 41 | Scott, - | 566 | 1838, May 19, discharged. |
| February 4, - | Mania, - - | M | 22 | Mississippi, | 567 | 1838, April 27, died, inflamation. |
| March 2, - | Idiocy, - - | M | 37 | Fayette, - | 572 | 1839, January 1, remains stationary. |
| March 6, - | Mania, - - | F | 30 | Trigg, - | 573 | 1839, January 1, remains stationary. |
| March 18, - | Mania, - - | F | 40 | Warren, - | 576 | 1838, December 4, discharged. |
| March 23, - | Mania, - - | F | 25 | Muhlenburg, | 577 | 1839, January 1, remains stationary. |
| March 27, - | Mania, - - | M | 51 | Barren, - | 578 | 1838, November 21, eloped, but restored. |
| April 12, - | Mania, - - | F | 38 | Tennessee, | 580 | 1839, January 1, remains stationary. |
| May 8, - | Mania, - - | M | 29 | Meade, - | 584 | 1838, May 4, discharged. |
| May 19, - | Mania, - - | M | 22 | Spencer, - | 586 | 1838, May 26, discharged. |
| May 30, - | Mania, - - | M | 48 | Mason, - | 588 | 1838, May 16, discharged. |
| May 30, - | Mania, - - | M | 40 | Mason, - | 589 | 1838, December 23, died, dropsy. |
| June 9, - | Mania, - - | F | 54 | Hopkins, - | 591 | 1838, October 5, died, smallpox. |
| June 9, - | Mania, - - | F | 30 | Alabama, - | 592 | 1839, January 1, remains stationary. |
| July 3, - | Mania, - - | M | 67 | Barren, - | 594 | 1838, March 9, died, atrophy. |
| July 10, - | Mania, - - | F | 26 | Nicholas, - | 595 | 1839, January 1, remains stationary. |
| July 21, - | A potu, - - | M | 32 | Mason, - | 598 | 1838, January 23, discharged. |
| July 28, - | Mania, - - | M | 36 | Madison, - | 600 | 1838, Jannary 1, discharged. |
| August 16, - | Idiocy, - - | F | 38 | Fayette, - | 602 | 1839, January 1, remains stationary. |
| August 20, - | Mania, - - | M | 31 | Hart, - | 603 | 1839, January 1, remains stationary. |
| August 28, - | Mania, - - | M | 48 | Green, - | 604 | 1838, May 15, discharged. |
| September 5, - | Mania, - - | F | 41 | Casey, - | 605 | 1839, January 1, remains stationary. |
| September 5, - | Mania, - - | M | 24 | Alabama, - | 606 | 1838, July 19, died, dropsy, |
| September 12, - | Mania, - - | M | 41 | Madison, - | 607 | 1838, May 30, discharged. |
| September 19, - | Mania, - - | F | 71 | Scott, - | 609 | 1839, January 1, remains sationary. |
| October 6, - | A potu, - - | M | 44 | Clarke, - | 611 | 1838, May 5, died, atrophy. |
| October 19, - | Mania, - - | F | 46 | Henderson, | 612 | 1839, January 1, remains stationary. |

A—Continued.

| Date of reception. | Disease. | Sex. | Age. | County. | No. | Remarks. |
|---|---|---|---|---|---|---|
| 1837 | | | | | | |
| October 21, - | Mania, - - | F | 31 | Clarke, - | 613 | 1838, April 16, died, consumption. |
| October 23, - | Mania, - - | M | 49 | Hardin, - | 614 | 1839, Jannary 1, remains stationary. |
| October 27, - | Mania, - - | M | 41 | Jessamine, | 615 | 1838, June 12, discharged. |
| October 28, - | Mania, - - | M | 60 | Perry, - | 616 | 1838, February 13, restored, but eloped. |
| October 28, - | Mania, - - | F | 51 | Jefferson, - | 617 | 1839, January 1, remains stationary. |
| October 28, - | Mania, - - | F | 21 | Bracken, - | 618 | 1838, April 7, restored, but eloped. |
| November 1, - | Epilepsy, - - | M | 31 | Bracken, - | 619 | 1838, January 15, died, fits. |
| November 25, - | Mania, - - | F | 41 | Allen, - | 620 | 1838, April 30, died, atrophy. |
| November 27, - | Mania, - - | F | 53 | Alabama, - | 621 | 1839, January 1, remains stationary. |
| December 11, - | Mania, - - | M | 31 | Christian, - | 623 | 1839, January 1, remains stationary. |
| December 14, - | Mania, - - | F | 36 | Illinois, - | 624 | 1839, January 1, remains stationary. |
| December 17, - | Mania, - - | F | 36 | Jefferson, - | 625 | 1939, January 1, remains stationary. |
| December 25, - | Mania, - - | M | 50 | Christian, - | 626 | 1838, July 18, eloped. |
| December 29, - | Epilepsy, - - | M | 31 | Fleming, - | 627 | 1839, January 1, remains stationary. |
| 1838 | | | | | | |
| January 2, - | Mania, - - | F | 31 | Jefferson, - | 628 | 1838, February 22, died, inflamation. |
| January 15, - | Epilepsy, - - | M | 26 | Hardin, - | 629 | 1839, January 1, remains stationary. |
| January 15, - | Mania, - - | M | 41 | Alabama, - | 630 | 1839, January 1, remains, restored. |
| February 15, - | Mania, - - | F | 38 | Alabama, - | 631 | 1839, January 1, remains stationary. |
| March 1, - | Mania, - - | M | 21 | Nelson, - | 632 | 1838, June 27, discharged. |
| March 3, - | Mania, - - | M | 33 | Bath, - | 633 | 1838, May 26, discharged. |
| March 8, - | Epilepsy, - - | F | 21 | Montgomery | 634 | 1839, January 1, remains stationary, works. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| March 3, | Mania, - - | M | 33 | Bath, - | 633 | 1838, May 26, discharged. |
| March 8, | Epilepsy, - - | F | 21 | Montgomery | 634 | 1839, January 1, remains stationary, works. |
| March 16, | Mania, - - | F | 28 | Ohio, - | 635 | 1838, March 30, discharged. |
| March 21, | Mania, - - | F | 21 | Missouri, - | 636 | 1838, August 27, died, atrophy. |
| March 23, | Mania, - - | M | 41 | Bracken, - | 637 | 1838, June 14, discharged. |
| March 26, | Mania, - - | M | 27 | Livingston, | 638 | 1839, January 1, remains stationary. |
| March 26, | Mania, - - | M | 31 | Tennessee, | 639 | 1839, January 1, remains stationary. |
| March 26, | Mania, - - | F | 26 | Fayette, - | 640 | 1839, January 1, remains stationary. |
| April 7, | Mania, - - | M | 35 | Barren, - | 641 | 1839, January 1, remains, improved. |
| April 10, | Mania, - - | F | 51 | Clarke, - | 642 | 1839, January 1, remains stationary. |
| April 11, | Mania, - - | M | 35 | Bullitt, - | 643 | 1838, December 18, discharged. |
| April 20, | Mania, - - | M | 26 | Whitley, - | 644 | 1838, July 9, discharged. |
| April 22, | Mania, - - | M | 51 | Clay, - | 645 | 1839, January 1, remains stationary, works. |
| April 24, | Mania, - - | M | 26 | Illinois, - | 646 | 1839, January 1, remains, improved. |
| April 25, | Epilepsy, - - | M | 24 | Clinton, - | 647 | 1839, January 1, remains stationary. |
| April 30, | Epilepsy, - - | M | 26 | Nicholas, - | 648 | 1839, January 1, remains stationary. |
| May 16, | A potu, - - | M | 22 | Meade, - | 649 | 1838, November 21, eloped, restored. |
| May 23, | Epilepsy, - - | M | 19 | Boone, - | 650 | 1839, January 1, remains stationary. |
| May 25, | Melancholia, - | M | 21 | Warren, - | 651 | 1838, September 1, discharged. |
| May 28, | Catamania, - | F | 45 | Monroe, - | 652 | 1838, September 24, died, dropsy. |
| May 28, | Mania, - - | M | 36 | Alabama, - | 653 | 1839, January 1, remains stationary. |
| May 30, | Hysterics, - | F | 31 | Indiana, - | 654 | 1838, June 5, eloped. |
| May 31, | Mania, - - | M | 37 | Boone, - | 655 | 1839, January 1, remains stationary, works. |
| June 5, | Mania, - - | M | 48 | Mason, - | 656 | 1839, January 1, remains, improved. |
| June 8, | Epilepsy, - - | M | 32 | Clarke, - | 657 | 1838, September 25, died fits. |
| June 12, | Monomania, - | M | 29 | Ohio,(State,) | 658 | 1839, January 1, remains, improved. |
| June 15, | Epilepsy, - - | M | 32 | Harrison, - | 659 | 1839, January 1, remains stationary. |
| June 30, | Idiocy, - - | F | 11 | Livingston, | 660 | 1839, January 1, remains stationary. |
| July 9, | Melancholia, - | M | 30 | Fleming, - | 661 | 1838, September 28, eloped. |
| July 13, | Catamania, - | F | 19 | Louisiana, - | 662 | 1839, January 1, remains stationary, works. |
| July 13, | A potu, - - | F | 36 | Fayette, - | 663 | 1838, August 26, died, smallpox. |
| July 20, | A potu, - - | F | 30 | Indiana, - | 664 | 1839, January 1, remains stationary. |
| July 26, | Catamania, - | F | 38 | Spencer, - | 665 | 1839, January 1, remains stationary. |

| Date of reception. | Disease. | Sex. | Age. | County. | No. | Remarks. |
|---|---|---|---|---|---|---|
| 1838 | | | | | | |
| July 26, | Catamania, | F | 30 | Tennessee, | 666 | 1839, January 1, remains stationary. |
| July 27, | Mania, | F | 41 | Breckinridge | 667 | 1139, January 1, remains stationary. |
| August 7, | A potu, | M | 32 | Mason, | 668 | 1839, January 1, remains improved, works. |
| August 16, | Melancholia, | M | 40 | Alabama, | 669 | 1839, January 1, remains stationary. |
| August 20, | Melancholia, | M | 40 | Christian, | 670 | 1839, January 1, remains stationary. |
| September 25, | Melancholia, | M | 60 | Casey, | 671 | 1839, January 1, remains stationary. |
| September 25, | Melancholia, | M | 68 | Green, | 672 | 1839, January 1, remains stationary. |
| September 25, | Mania, | F | 35 | Madison, | 673 | 1839, January 1, remains stationary. |
| October 3, | Epilepsy, | M | 21 | Whitley, | 674 | 1839, January 1, remains stationary. |
| October 4, | A potu, | M | 20 | Jefferson, | 675 | 1838, December 29, died, atrophy. |
| October 4, | Melancholia, | M | 28 | Jefferson, | 676 | 1839, January 1, remains stationary. |
| October 16, | Melancholia, | M | 40 | Indiana, | 677 | 1839, January 1, remains improved. |
| October 19, | Melancholia, | M | 32 | Bath, | 678 | 1838, November 28, eloped. |
| October 19, | Mania, | M | 21 | Indiana, | 679 | 1839, January 1, remains improved. |
| October 23, | Mania, | M | 30 | N. Carolina, | 680 | 1839, January 1, remains improved. |
| November 8, | Mania, | M | 40 | Fayette, | 681 | 1838, January 1, remains stationary. |
| November 10, | Mania, | F | 75 | Mercer, | 682 | 1839, January 1, remains stationary. |
| November 10, | Epilepsy, | M | 28 | Nelson, | 683 | 1839, January 1, remains stationary. |
| November 14, | Idiocy, | F | 23 | Fayette, | 684 | 1839, January 1, remains stationary. |
| November 14, | Epilepsy, | F | 13 | Owen, | 685 | 1839, January 1, remains stationary. |
| November 18, | Mania, | F | 16 | Boone, | 686 | 1839, January 1, remains stationary. |
| November 21, | Mania, | F | 33 | Alabama, | 687 | 1839, January 1, remains stationary. |
| December 15, | Melancholia, | M | 26 | Henry, | 688 | 1839, January 1, remains stationary. |
| | Mania, | F | 18 | Spencer, | 689 | 1839, January 1, remains stationary. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| November 21, - | Mania, - - | F | 33 | Alabama, - | 687 | 1839, January 1, remains stationary. |
| December 15, - | Melancholia, - | M | 26 | Henry, - | 688 | 1839, January 1, remains stationary. |
| December 27, - | Mania, - - | F | 18 | Spencer, - | 689 | 1839, January 1, remains stationary. |
| December 31, - | Mania, - - | F | 26 | Bourbon, - | 690 | 1839, January 1, remains stationary. |
| REMAIN. | | | | | | |
| Males, - - | - - - | - | 54 | | | |
| Females, - - | - - - | - | 68 | | | |
| Total, - - | - - - | - | 122 | | | |

## Table No. 1

*Showing the State of the Asylum during the year* 1838.

| | OLD CASES. | | | RECENT CASES. | | | IDIOTS & EPILEPTICS. | | | TOTAL. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Males. | Fem's. | Total. | Males. | Fem's. | Total. | Males. | Fem's. | Total. | Males. | Fem's. | Total. |
| Remained, December 31, 1837, - | 29 | 44 | 73 | 9 | 5 | 14 | 9 | 17 | 26 | 47 | 66 | 113 |
| Admitted, during the year 1838, | 19 | 11 | 30 | 12 | 9 | 21 | 8 | 4 | 12 | 39 | 24 | 63 |
| Total in Asylum, during 1838, - | 48 | 55 | 103 | 21 | 14 | 35 | 17 | 21 | 38 | 86 | 90 | 176 |
| Of whom have died, - 29 | 6 | 9 | 15 | 2 | 3 | 5 | 4 | 5 | 9 | 12 | 17 | 29 |
| Been discharged, 16 | | | | | | | | | | | | |
| Eloped, improved, 9 | | | | | | | | | | | | |
| —54 | 5 | 1 | 6 | 15 | 4 | 19 | – | – | – | 20 | 5 | 25 |
| Total Deaths, recoveries, &c. - | 11 | 10 | 21 | 17 | 7 | 24 | 4 | 5 | 9 | 32 | 22 | 54 |
| Which, being deducted from the number in Asylum during 1838, leaves, remaining 1st January, 1839, - - - - - | 37 | 45 | 82 | 4 | 7 | 11 | 13 | 16 | 29 | 54 | 68 | 122 |

TABLE No. 1—Continued.

| | STATE PATIENTS. | | | BOARDERS. | | | TOTAL. |
|---|---|---|---|---|---|---|---|
| | Males. | Fem's. | Total. | Males. | Fem's. | Total. | |
| Of the preceeding, there were, - | 51 | 69 | 120 | 35 | 21 | 56 | 176 |
| Of whom— | | | | | | | |
| Discharged by recovery, elopement, or death, - - - | 19 | 18 | 37 | 13 | 4 | 17 | 54 |
| R - - | 32 | 51 | 83 | 22 | 17 | 39 | 122 |

| | Males. | Fem's. | Total. | Males. | Females. | Total. |
|---|---|---|---|---|---|---|
| | | | | Per cent. | Per cent. | Per cent. |
| Of the old cases, were discharged, - - | 5 | 1 | 6 | 10.41 | 1.81 | 5.82 |
| Of the recent cases, were discharged, - | 15 | 4 | 19 | 71.42 | 28.57 | 54.28 |
| Of the old cases, died, | 6 | 9 | 15 | 12.50 | 16.36 | 14.56 |
| Of the recent cases, died, - - - | 2 | 3 | 5 | 9.52 | 21.42 | 14.22 |

## Table No. 2.

*Showing the monthly Admissions, Deaths, and Discharges in* 1838.

| MONTHS. | Admitted | Died. | Discharged. | R main'd at end of month. | Average No in house each month. |
|---|---|---|---|---|---|
| Remained, Dec. 31, 1837, - - | 113 | | | | |
| January, - - | 3 | 2 | 2 | 112 | 111.096 |
| February, - - | 1 | 3 | 1 | 109 | 110.250 |
| March, - - | 9 | 1 | 1 | 116 | 111.580 |
| April, - - - | 8 | 3 | 1 | 120 | 116.833 |
| May, - - - | 7 | 1 | 7 | 119 | 117.322 |
| June, - - - | 5 | 2 | 4 | 118 | 117.266 |
| July, - - - | 7 | 2 | 2 | 121 | 118.193 |
| August, - - - | 3 | 4 | – | 120 | 121.064 |
| September, - - | 3 | 5 | 1 | 117 | 117.133 |
| October, - - | 7 | 3 | 1 | 120 | 118.383 |
| November, - - | 7 | – | 3 | 124 | 123.266 |
| December, - - | 3 | 3 | 2 | 122 | 122.709 |
| Average, - - | – | – | – | – | 117.091 |

## Table No 3.

*Showing of what Diseases the Patients have died.*

| DISEASE. | Males. | Females. | Total. |
|---|---|---|---|
| Atrophy, - - - - | 4 | 6 | 10 |
| Consumption, - - - - | – | 2 | 2 |
| Dropsy - - - - - | 3 | 1 | 4 |
| Dysentery, - - - - | – | 2 | 2 |
| Fits, - - - - - | 2 | 3 | 5 |
| Inflamation, - - - - | 1 | 1 | 2 |
| Smallpox, - - - - | 1 | 3 | 9 |
| | 11 | 18 | 29 |

## Table No. 4.

*Counties and States from which the patients were sent, and the number of each.*

| Names. | No. | Names. | No. |
|---|---|---|---|
| Allen, | 9 | Laurel, | 1 |
| Anderson, | 6 | Lewis, | 1 |
| Bourbon, | 22 | Mercer, | 27 |
| Barren, | 9 | Mason, | 25 |
| Bracken, | 7 | Madison, | 22 |
| Breckinridge, | 7 | Montgomery, | 5 |
| Bath, | 5 | M'Cracken, | 2 |
| Boone, | 5 | Monroe, | 2 |
| Butler, | 3 | Morgan, | 2 |
| Bullitt, | 3 | Meade, | 2 |
| Clarke, | 11 | Muhlenburg, | 1 |
| Campbell, | 9 | Nelson, | 13 |
| Christian, | 6 | Nicholas, | 10 |
| Casey, | 6 | Owen, | 6 |
| Cumberland, | 4 | Ohio, | 3 |
| Caldwell, | 3 | Pendleton, | 4 |
| Clay, | 1 | Pike, | 2 |
| Clinton, | 1 | Perry, | 2 |
| Calloway, | 1 | Pulaski, | 1 |
| Daviess, | 6 | Rockcastle, | 2 |
| Fayette, | 106 | Shelby, | 23 |
| Franklin, | 5 | Scott, | 20 |
| Fleming, | 10 | Simpson, | 5 |
| Garrard, | 11 | Spencer, | 4 |
| Green, | 6 | Todd, | 6 |
| Greenup, | 3 | Trigg, | 2 |
| Grayson, | 3 | Woodford, | 13 |
| Grant, | 2 | Warren, | 8 |
| Gallatin, | 1 | Washington, | 5 |
| Harrison, | 14 | Wayne, | 5 |
| Henry, | 10 | Whitley, | 2 |
| Hardin, | 7 | States of Tennessee, 9 | |
| Hopkins, | 6 | Alabama,, 10 | |
| Hart, | 6 | Mississippi, 8 | |
| Harlan, | 3 | Louisiana, 2 | |
| Hickman, | 2 | Ohio, 4 | |
| Henderson, | 2 | Indiana, 8 | |
| Hancock, | 1 | Illinois, 4 | |
| Jefferson, | 42 | Missouri, 2 | |
| Jessamine, | 16 | Territory of Ouisconsin, 1 | |
| Knox, | 2 | North Carolina, 1 | |
| Logan, | 17 | | 49 |
| Lincoln, | 13 | | |
| Livingston, | 3 | | 690 |

TABLE No. 5,

*Showing the admissions, discharges, and deaths for* 14 *years, distinguishing the sexes.*

| SEX. | Admitted. | Discharged. | Died. | Remains. | Per cent. discharged. | Per cent. died. | Per cent. remain. |
|---|---|---|---|---|---|---|---|
| Males, - - | 420 | 218 | 155 | 47 | 51.90 | 36.90 | 11.19 |
| Females, - - | 207 | 58 | 83 | 66 | 28.01 | 40.09 | 31.88 |
| Total, - - | 627 | 276 | 238 | 113 | 44.109 | 37.958 | 18.022 |

## Table No. 6.

*Showing the admissions, discharges and deaths in each year, from the opening of the Asylum in* 1824, *to* 1st *January*, 1838, *and the relative proportion the two latter bear to the first.*

| Year. | Admitted. | Discharged. | Died. | Remained. | Total in house. | Average number. | Per cent. discha'd. | Propor'n disch'd, one in | Per cent died. | Proportion died, one in |
|---|---|---|---|---|---|---|---|---|---|---|
| 1824, - - | 54 | 13 | 2 | 39 | 54 | 28.00 | 24.07 | 4.15 | 3.07 | 27.00 |
| 1825, - - | 39 | 15 | 7 | 56 | 78 | 46.83 | 19.23 | 5.20 | 8.97 | 11.14 |
| 1826, - - | 33 | 17 | 4 | 68 | 89 | 58.83 | 19.10 | 5.23 | 4.49 | 22.25 |
| 1827, - - | 38 | 22 | 13 | 71 | 106 | 71.50 | 20.75 | 4.81 | 12.26 | 8.15 |
| 1828, - - | 35 | 12 | 9 | 85 | 106 | 77.41 | 11.32 | 8.83 | 8.49 | 11.77 |
| 1829, - - | 41 | 12 | 22 | 92 | 126 | 91.08 | 9.52 | 10.50 | 17.46 | 5.72 |
| 1830, - - | 31 | 19 | 16 | 88 | 123 | 91.08 | 15.44 | 6.47 | 13.00 | 7.68 |
| 1831, - - | 43 | 18 | 11 | 102 | 131 | 93.50 | 13.74 | 7.27 | 8.39 | 11.90 |
| 1832, - - | 42 | 26 | 15 | 103 | 146 | 103.33 | 17.80 | 5.61 | 10.27 | 9.73 |
| 1833, - - | 40 | 14 | 60 | 69 | 143 | 83.00 | 9.79 | 10.21 | 41.96 | * 2.38 |
| 1834, - - | 52 | 27 | 10 | 84 | 121 | 76.41 | 22.31 | 4.48 | 8.26 | 12.10 |
| 1835, - - | 54 | 24 | 21 | 93 | 138 | 91.41 | 17.38 | 5.75 | 15.21 | 6.57 |
| 1836, - - | 57 | 24 | 26 | 100 | 150 | 101.08 | 16.00 | 6.25 | 17.33 | 5.76 |
| 1837, - - | 68 | 33 | 22 | 113 | 168 | 106.91 | 19.64 | 5.09 | 13.09 | 7.63 |
| | 627 | 276 | 238 | | | | | | | |

Note. The above includes 118 idiots and epileptics who have died; which number being deducted from the total of admissions and deaths, will give 23.57 per cent, or 1 in 4.24. And as those patients are never discharged, will give 54.22 per cent, or 1 in 1.84 discharged.

[*Died of cholera, 43.

## Table No. 7.

*Showing in what months the deaths occurred.*

| | | |
|---|---|---|
| In September, | 17 | |
| In October, | 23 | |
| In November, | 26 | |
| In December, | 18 | |
| In Jannary, | 25 | |
| In February, | 12 | |
| Fall and winter, | — | 121 |
| In March, | 14 | |
| In April, | 10 | |
| In May, | 14 | |
| In June, | 10 | |
| In July, | 12 | |
| In August, | 14 | |
| Spring and summer, | — | 74 |
| Of cholera, | | 43 |
| Total, | | 238 |

## Table No. 8.

*Showing the time the present patients have been in the Asylum.*

| Period. | Males. | Females. | Total. |
|---|---|---|---|
| Over fourteen years, | 1 | 3 | 4 |
| Over thirteen years, | — | 1 | 1 |
| Over twelve years, | 1 | — | 1 |
| Over eleven years. | — | 4 | 4 |
| Over ten years, | 2 | 3 | 5 |
| Over nine years, | 1 | 2 | 3 |
| Over eight years, | 1 | 3 | 4 |
| Over seven years, | — | 1 | 1 |
| Over six years, | 1 | 2 | 3 |
| Over five years, | 3 | — | 3 |
| Over four years, | 2 | 8 | 10 |
| Over three years, | 5 | 5 | 10 |
| Over two years, | 2 | 5 | 7 |
| Over one year, | 7 | 13 | 20 |
| Less than one year, | 28 | 18 | 46 |
| | 54 | 68 | 122 |

## Table No. 9.

*Showing the civil state of the patients.*

| | Males. | Females. | Total. |
|---|---|---|---|
| Married, | 13 | 21 | 34 |
| Single, | 65 | 47 | 112 |
| Widowed, | 8 | 22 | 30 |
| | 86 | 90 | 176 |

## Table No. 10.

*Showing the Income and Expenditures of the Asylum from May 1, 1824, to January 1, 1838.*

| Charge. | | Discharge. | |
|---|---|---|---|
| State appropriations, | $104,900 00 | Provisions, | $31,429 32 |
| Boarders, | 21,028 61¼ | Clothing, | 14,474 91¼ |
| | | Furniture, | 6,061 22 |
| | | Salaries, | 18,136 97½ |
| | | Medicine, | 1,687 57¾ |
| | | Fuel, | 11,779 40¾ |
| | | Conveyance, | 6,144 58½ |
| | | Extras, | 1,703 09¾ |
| | | Repairs, | 343 98¾ |
| | | Discount on Com. paper, 1833–'34, | 1,717 90 |
| | | Buildings, | 30,836 54¼ |
| | | | 124,315 52½ |
| | | Balance due by boarders, | 771 01½ |
| | | Balance due by chairman, | 842 07¼ |
| | $125,928 61¼ | | $125,928 61¼ |

## Table No. 11.

*Showing the Quantity and Value of the various kind of Provisions purchased in* 1838.

| | Dollars | Cts. |
|---|---|---|
| Beef, 13,918 pounds, | 465 | 16¼ |
| Pork, 14,502 pounds, | 618 | 88 |
| Butter, 1,198½ pounds, | 195 | 38½ |
| Flour, 15,979 pounds, | 398 | 97½ |
| Meal, 563½ bushels, | 281 | 75 |
| Eggs, 161½ dozen, | 14 | 14½ |
| Rice, 247 pounds, | 20 | 54 |
| Turnips, 36 bushels, | 12 | 00 |
| Potatoes, 67 bushels, | 45 | 37½ |
| Salt, 41½ bushels, | 36 | 67½ |
| Sugar, 3,916 pounds, | 407 | 49 |
| Coffee, 1,488 pounds, | 235 | 01 |
| Tea, 51 pounds, | 47 | 40 |
| Molasses, 109½ gallons, | 68 | 25 |
| 4 cows and 5 shoats, | 61 | 50 |
| Rent of pasture, | 50 | 00 |
| Sundry small articles, | 34 | 82¼ |
| | 2,993 | 35¾ |

B.

*Receipt and Expenditure of the Lunatic Asylum, for the year ending December* 31, 1838.

| CHARGE. | | | DISCHARGE. | | |
|---|---|---|---|---|---|
| 1837. | | | 1838. | | |
| December 31, - | To balance on hand, per last report, - - - - | $842 07¼ | By amount paid for— Provisions, - - | $2,993 35¾ | |
| 1838. | To State appropriation, - | 5,000 00 | Clothing, - - - | 1,287 51 | |
| | To cash received for board of patients, - - - - | 4,828 61 | Furniture and bedding, | 846 46½ | |
| | | | Salaries, - - - | 1,255 78 | |
| | | | Medicine & attendance, | 341 88 | |
| | | | Fuel, - - - | 2,386 70¼ | |
| | | | Conveyance, - - | 469 93 | |
| | | | Extras, - - - | 422 07¼ | |
| | | | Repairs, - - - | 214 07¼ | |
| | | | Insurance and improvements, - - - | 417 92½ | |
| | | | By balance in Chairman's hands, - - - - | 34 98¾ | |
| | - - - - - - - - - - | 10,670 68½ | | $10,670 68¼ | |
| 1839. | | | | | |
| January 1, - | To balance brought down, - | $34 98¾ | | | |

LEXINGTON, *January* 1, 1839.

E. & O. E.

S. CHIPLEY,
R. HIGGINS,
JER'H KIRTLEY.

# REPORT

OF

# THE JOINT COMMITTEE ON BANKS.

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The Joint Committee on Banks have examined, in person, the Bank of Kentucky, and the Lexington and Frankfort branches thereof, also, the Northern Bank of Kentucky and the Louisville branch, and the Bank of Louisville, the Louisville Savings Institution, the Mechanics' Savings Institution of Louisville, and the Louisville Gas and Water Company. They sent to all said Banks questions, in writing, and to the branches of the Bank of Kentucky and of the Northern Bank of Kentucky, questions in writing, with a request they should be answered by some two or three officers of each Bank and branch, under oath. They have received from all the Banks, and from the branches of the Bank of Kentucky, and of the Northern Bank of Kentucky, written responses to the several questions, under the oaths, of the officers, as required. They have, also, received the monthly reports of the Banks to the Secretary of State, from which they have caused to be compiled tables, exhibiting the condition of each of the Banks and branches at the close of each month for the year 1838, and have caused a general consolidated table to be compiled, exhibiting the condition of all the Banks in the Commonwealth, at the close of each month for the same time; and they caused other tables to be compiled, intended and calculated, in their opinion, to facilitate the understanding the condition and operations of the Banks of Kentucky for the past year. They would recommend that the written questions put to the Banks, and their written responses, with the tables furnished to explain the responses, and the tables which the committee have caused to be compiled, shall be printed for the information of the two houses, and the public.

From an examination of the report of the Joint Committee on Banks, at the last session, it will be seen that the specie in all the Banks in Kentucky, on the 30th day of November, 1837, was $1,937,160 67; and the notes of all the Banks in circulation, was $3,414,885 00. And from an examination of the tables, now presented, the specie in all the Banks, on the last of December, 1838, was $1,613,383 83, and the notes in circulation, $5,418,320, being a decrease of specie to the amount of $324,026 84, and increase of circulation to the amount of $2,003,435. It will also be seen, that on the

30th November, 1837, the combined discount and bill lines amounted to $10,441,340 84; and from the present tables, that on the last of December, 1838, the combined note and bill lines amounted to $12,017,347 83, being an increase of accommodation to the business of the country, of $1,576,006 99. From the same tables, it will be seen that the Bank of Kentucky increased her business, $272,093 93, and has increased her circulation, $613,004; and that she has paid to the government of the United States, on account of public deposits, and to the Bank of the United States, on account of a debt due that Bank, $1,078,717 21, leaving a balance of $302,263 34. It also appears the Northern Bank has increased her circulation, $944,479, and has increased her business, $936,747 46. That on the 30th of Nov. 1837, her notes under discount, was $2,410,614 65, and on the last of December, 1838, $2,049,760 44, being a decrease of $370,854 21; and her bills, on the 30th of November, 1837, was $527,936 04, and the last of December, 1838, was $1,835,537 02, being an increase of $1,307,570 96.

It will also be seen, that on the 30th November, 1837, the Bank of Louisville had $932,525 71 of notes under discount, and that on the first of December, 1838, she had $1,058,340 78, being an increase of $126,213 00; and in 1837 she had $186,377 73 in bills, and that on the last of December, 1838, she had $344,531 15, being an increase of $158,153 42; and her circulation was then $99,545, and was the last of December $468,514, being an increase of $369,019; and she then had $153,069 95 in specie, and had on the last of December $142,946 61, being a decrease of $10,123 34.

The committee have no means of ascertaining the true proportion between the annual amount required by the community in its banking operation in the bill line, and in the discount line. They know the amount will vary in each year, because of the increase and decrease of the prices of produce; and it's reasonable to suppose that the suspension and interruption of trade would have some effect on the different lines of business, but still they suppose it could rarely happen that the requirements of trade in the bill line, would equal the business in the discount line. They cannot be mistaken in asserting, as a general principle, that the business of the Banks ought not to be forced into the bill line, and that any constraint on the part of the Banks to force the business of their customers into that line, would be an infraction of their charters, and a violation of the duty they owe the public.

It will be seen from the tables, that on the last of December, the notes under discount, in all the Banks, was $7,951,014 34, besides the suspended debt; and the bills of exchange was $4,066,333 49; and that the bills of exchange constitute about one third of the business of the Banks. The subject of exchange is one of great interest to the Banks, and to the people; the commerce of the world is carried on, and the balances due from one country to another settled through its agency. The course of our own trade illustrates its operation: We sell our bale rope and bagging, and most of our other productions, in the south, and with the proceeds purchase bills on the eastern cities, and thus pay for the merchandise which we buy in the north; to the south we sell more than we buy, and the trade is in our favor; from the north we purchase more than we sell, and the trade is against us; the balance in our favor from the south, pays the balance against us in the north; the payments are made through the agency of bills of exchange; the price of exchange is the cost of transporting the money from one place

to the other, and cost of insurance, and the loss of interest. When the currency is sound, and the trade healthy, the consuming country pays the exchange; but where the currency is unsound, and the trade a loosing one, the reverse is the case. The Banks furnish the money to our southern traders on their bills, payable in the south, and invest the proceeds in bills on the north, and by drawing bills on the north in favor of our merchants, pay for our merchandise, and retain their specie, which would otherwise pass to the north in payment of the balance against us. Thus its seen that exchange is essential to a Bank of circulation, otherwise it must import specie to meet its waste, in payment of the balances against us in favor of the countries from which we purchase more than we sell; and it is highly interesting to the people for the ease and security it affords in carrying on the mercantile operations of the country. The committee have examined the Banks as to the operations in exchange, and the price which they have charged, and the various places on which they purchased bills, and have caused a table to be compiled for the more readily understanding it. The variations to be found in the premiums charged on bills on the south, arose from the suspension of specie payments, and the fact that the paper of the Banks in the south was more depreciated than our own. These bills had to be collected in the notes of the southern Banks, and when so collected, a greater discount had to be given for specie, or eastern funds, than the premium received; and the uncertainty whether the premium, at which our Banks could sell their eastern funds, might not be sufficient to make up the difference and the loss of interest, and the further fact, that in times of suspension the tendency of a paper currency, not convertible into gold and silver, is to a still further depreciation; to meet which, provision had to made in the premiums charged. It is satisfactory to see, that so soon as a resumption of specie payments was determined on in the south, that the Banks of Kentucky reduced the premiums on bills. The committee are of opinion that the Banks of Kentucky are not liable to the imputation of practising usury, under pretence of charging premiums on exchange, but that the premiums charged, under the circumstances, was not more than a fair equivalent for the risk run. The Banks will realize a profit on the southern funds, not invested before the resumption in the south, but had the resumption not taken place, they might have lost, and could have realized but little profit. The Banks might practice usury under color of exchange, and the rates at which they buy and sell exchange should be carefully looked to, and the Banks preserved from the taint of usury, by a fixed determination on the part of the representatives of the people to keep them within the pale of their charters. The Banks might also practice usury by discounting notes, to be paid in the notes of Banks which are under par. There has been some instances of it, in the practice of our Banks, as will be seen by a careful examination of the written questions and responses. It is a practice which ought not to be tolerated, and which must de discontinued. The committee are of opinion, from the parol examinations they made of the officers of the Banks on the subject, that it arose from no settled purpose of practising usury, and will be abandoned on the expressiou of the disapprobation of the Legislature.

In the parol examinations which the committee made of the officers of the several Banks, they ascertained that the Northern Bank of Kentucky, the Bank of Louisville, and the Louisville Savings' Institution, considered that they had the right, under their charters, to sell bank notes at a premium,

and thus to use them as exchange, and that they were in the constant habit of doing so; but when examined as to their right, under their charters, to purchase bank notes under par, and thus use them as exchange, they did not express a full conviction of the power, and declared that it was not their practice. It was ascertained the Bank of Kentucky had taken counsel on the questions, and considered they had no power to purchase bank notes under par, or to sell them above par, and had not practiced either. The committee, in their parol examinations of the officers of the Banks, examined them as to their opinions of the advantages and disadvantages of such a power, and found a difference of opinion prevailed.

They have been induced to bestow some attention upon the question, and the more they have examined it the more has the importance of a correct decision impressed itself on their judgment.

It seems to the committee that Banks are nothing more than mercantile establishments dealing in money, and authorized, to a certain extent, to substitute their own notes in its place, and with their capital and their credit, to furnish the means and facilitate the exportations of the surplus of the country, and the importation of the artlcles required for its consumption. From an examination of the Bank charters, they find their powers limited to this extent, although broader powers seemed, from some expressions, to have been at first contemplated. They are authorized to deal in money, and to substitute their own notes for money. They are authorized to discount promissoy notes, but such notes must be made payable and negotiable at some incorporated Bank in the State; the common promissory note of an individual they cannot discount; and a bank note is but the promissory note of a corporation. They cannot discount a negotiable note after it falls due, although it remains unpaid; and a bank note is due on demand, or on demand after a certain day, and not the subject of Bank discount. They are authorized to deal in exchanges, but a bank note is not exchange; it was sent into the world as mouey, and if it fulfils its mission, it must be taken and held as money. In judicial proceedings, a payment in bank notes is held a payment in money; and an action for money had and received will be sustained, where the proof is, that bank notes was received. By the practice and consent of mankind, bank notes are taken and held as money, and are substituted by the Banks as such. If they are not circulated and used as money, they must be degraded to the condition of common promissory notes, and as such prohibited to the Banks. When individuals receive bank notes in payment of debts, they receive them as money; and when Banks receive them in payment of debts, they, also, receive them as money. They remain in the Banks as money, and as such, must be paid out by the Banks; for the Banks have no authority to deal in them, except as money. The committee are of opinion that the practice of selling bank notes, at a premium, is not warranted by the charters of our Banks, and that the purchasing Bank notes, at a discount, is also prohibited, and that neither should be practiced.

They believe that the power, if possessed and practised by the Banks, would degrade the institutions from dealers in money and exchange, to that of brokers and shavers; that they would no longer be the hand-maids of agriculture, manufactures and commerce, interested in maintaining a sound currency and a healthy action in all the business pursuits of life, but would be harpies, fattening on the disorders of the currency, and interested in

its fluctuations; they would no longer furnish efficient aid to the business pursuits of life, but would use their capital, and their credit, in buying and selling the notes of each other, in total disregard of the object of their establishment, and to the destruction of the best interests of the community.

The money of the Banks is kept active, the loans well secured, and latterly distributed among alarger number of customers. The postponed debts are but few, and in a course of reduction, in accordance with the terms on which time was given; and in almost every case, the payments have been promptly made. The Banks appear to be well managed, with fair dividends to the stockholders, and to afford efficient aid to all the business pursuits of life. The monthly tables exhibit but little variation in the amount of accommodations on the combined discount and bill line, and that variation grows out of the periodical increase and decrease of the business of the country. The diminution of specie has been less, considering the amount of debt paid and the sums required to supply change for the ordinary business of the country, than might have been expected. The Banks availed themselves of the privilege, granted at the last session, of issuing small notes to about the sum of $300,000, and the issue was found to be of great advantage for the purposes of change, before the resumption, and since the resumption, has supplied the change for much of the ordinary business, and prevented a draft on the Banks to supply specie for that purpose. The Banks no longer pay out their own small notes, and they are in the course of withdrawal from circulation, and will be replaced with specie. The increased circulation of the Banks will be maintained by the active character of the debts due the Banks, and from the high prices which we are getting for all our products, which must bring a large amount of eastern exchange to pay for our merchandise.

The committee were solicitous to ascertain what proportion the circulation of the Kentucky Banks bore to that of the whole paper circulation in the State. The result of their inquiries was, that our Banks furnished from five to six-sevenths of the entire circulation.

They made inquiry as to the character of superintendance which the Bank of Kentucky, and the Northern Bank of Kentucky, practiced towards their branches, and were satisfied it was careful and efficient, and well calculated to guard the safety and usefulness of the branches.

They did not take the same course of examination that was pursued last year by the committee on Banks, but so framed the questions as to reach the the information they deemed most essential. They regret the branch at Maysville thought proper to answer one of the enquiries without giving the desired information.

The committee handed to the Bank of Kentucky, and to the Northern Bank of Kentucky, certain questions concerning the public moneys which had heretofore been deposited in those Banks, by the general government, and the disbursement thereof; and the responses of those Banks, with the tables containing the state of the accounts, from time to time, accompany this report, which they recommend to be published.

The officers of the Banks afforded the commitee every facility in making the examinations, and answered, fully and fairly, all questions put to them, touching the condition and operations of the Banks, and the manner of keeping their books, and the connection of the Banks with the trade of the country.

The commmittee, also, examined the Louisville Gas and Water Company, with the view of seeing the capital stock with which the company was organized, and what arrangement they had made, or were likely to make, to light the city with Gas.

All which is respectfully submitted.

JAMES GUTHRIE, } *Senate's Com.*
A. BEATTY, }

DAVID TRIMBLE, }
JOSEPH LECOMPTE, } *H. R. Com.*
ELEZEMOND BASYE, }
B. H. REEVES, }

## DOCUMENTS, &c.

*A CONSOLIDATED STATEMENT, showing the Resources and Liabilities of all the Banks in Kentucky, each month, from the 1st day of January, to the 31st day December,* 1838.

RESOURCES.

| 1838. | Bills discounted. | Bills of exchange. | Suspended debt. |
|---|---|---|---|
| January, - - | 8,265,706 74 | 1,921,980 12 | 127,147 48 |
| February, - - | 8,304,831 52 | 1,712,004 21 | 130,288 25 |
| March, - - | 8,511,965 11 | 1,679,813 95 | 89,153 07 |
| April, - - | 8,589,602 02 | 1,713,238 29 | 89,403 41 |
| May, - - | 8,602,196 91 | 1,536,106 03 | 86,553 92 |
| June, - - | 8,491,078 81 | 1,646,486 61 | 89,008 99 |
| July, - - | 8,361,143 60 | 1,637,591 95 | 89,188 99 |
| August, - - | 8,444,916 18 | 1,846,042 95 | 90,230 44 |
| September, - - | 8,374,196 41 | 2,358,494 52 | 146,054 19 |
| October, - - | 8,374,532 74 | 3,245,549 87 | 83,290 77 |
| November, - - | 8,263,453 41 | 3,758,752 14 | 77,401 66 |
| December, - - | 7,951,014 34 | 4,066,333 49 | 105,223 87 |

| 1838. | Real estate. | Expenses. | Due by other banks. |
|---|---|---|---|
| January, - - | 213,787 31 | 11,724 47 | 1,822,782 59 |
| February, - - | 213,793 38 | 20,693 54 | 2,042,272 85 |
| March, - - | 214,947 34 | 30,142 03 | 1,567,896 21 |
| April, - - | 215,764 28 | 37,336 24 | 1,480,063 83 |
| May, - - | 215,764 28 | 43,390 00 | 1,702,728 48 |
| June, - - | 215,920 15 | 8,232 95 | 1,847,127 99 |
| July, - - - | 215,920 15 | 7,842 04 | 1,924,588 24 |
| August, - - | 216,020 15 | 16,134 61 | 1,684,956 45 |
| September, - - | 216,147 55 | 23,706 70 | 1,376,299 02 |
| October, - - | 221,671 46 | 30,605 86 | 1,257,229 52 |
| November, - - | 222,316 71 | 38,163 08 | 1,055,231 17 |
| December, - - | 224,264 51 | 4,551 72 | 1,394,183 10 |

CONSOLIDATED STATEMENT—Continued.

RESOURCES.

| 1838. | Specie on hand. | Notes of other Banks. | State and City Bonds. |
|---|---|---|---|
| January, - - | 1,809,793 18 | 833,162 82 | 2,375,000 00 |
| February, - - | 1,805,881 03 | 971,159 17 | 2,375,000 00 |
| March, - - | 1,827,431 41 | 831,099 69 | 2,375,000 00 |
| April, - - | 1,850,685 83 | 969,702 37 | 2,385,000 00 |
| May, - - - | 1,908,537 95 | 940,544 85 | 2,510,000 00 |
| June, - - - | 2,027,304 81 | 690,476 26 | 2,510,000 00 |
| July, - - - | 1,966,514 86 | 881,302 43 | 2,510,000 00 |
| August, - - | 1,723,546 42 | 730,293 85 | 2,510,000 00 |
| September, - - | 1,678,781 18 | 741,848 45 | 2,510,000 00 |
| October, - - | 1,663,364 11 | 946,901 04 | 2,510,000 00 |
| November, - - | 1,604,992 78 | 839,042 15 | 2,510,000 00 |
| December, - - | 1,613,133 83 | 861,798 72 | 2,510,000 00 |

| 1838. | Bank checks unpaid. | Treasurer of the State. | Interest account. |
|---|---|---|---|
| January, - - | 171,676 42 | | |
| February, - - | 66,883 96 | | |
| March, - - | 193,295 26 | 4,118 15 | 21,162 99 |
| April, - - | 82,095 18 | 4,117 85 | 20,625 00 |
| May, - - - | 143,717 85 | – | 20,735 67 |
| June, - - - | 61,315 88 | – | 52,500 00 |
| July, - - - | 43,892 69 | | |
| August, - - | 27,810 79 | | |
| September, - - | 15,527 00 | | |
| October, - - | 14,777 00 | | |
| November, - - | 27,330 85 | – | 13,863 22 |
| December, - - | 26,884 75 | 451 48 | 31,000 00 |

| 1838. | City of Louisville. | Certificate of deposite, Vicksburg | Costs of suits. |
|---|---|---|---|
| January, - - | 244 73 | | |
| February, - - | 415 13 | | |
| March, - - | | | |
| April, - - | | | |
| May, - - - | 1,308 83 | | |
| June, - - - | 8,090 46 | | |
| July, - - - | 163 56 | | |
| August, - - | 692 16 | | |
| September, - - | 907 73 | 9,389 98 | 7 75 |
| October, - - | 702 38 | 9,389 98 | |
| November, - - | 1,478 64 | | |
| December, - - | 1,137 41 | – | 111 54 |

CONSOLIDATED STATEMENT—Continued.

RESOURCES.

| 1838 | Interest paid Bank U. S. | Suspence account. | Premiums. | Protest acc't. |
|---|---|---|---|---|
| January, - | | | 231 14 | 1 66 |
| February, - | – | – | – | 1 66 |
| March, - | – | – | | |
| April, - | | | | |
| May, - | 9,219 04 | | | |
| June, - | | | | |
| July, - | | | | |
| August, - | | | | |
| September, - | 13,750 00 | | | |
| October, - | 13,750 00 | 766 59 | | |
| November, - | 8,763 13 | 1,009 79 | | |
| December, - | – | 1,009 79 | | |

| 1838 | State of Ky. | Int'st on dep'te & exp's. | Due from Sup. on rivers. | Cash in transitu. |
|---|---|---|---|---|
| January, - | – | 704 18 | 2,412 55 | 4,981 01 |
| February, - | – | 1,234 80 | 1,326 57 | 4,981 01 |
| March, - | – | 1,474 52 | 6,326 57 | |
| April, - | – | 2,315 93 | 6,326 57 | |
| May, - | – | 3,060 53 | 17,620 07 | |
| June, - | – | 3,344 95 | 48 00 | |
| July, - | – | 1,196 25 | 48 00 | |
| August, - | – | 2,322 21 | 93 50 | |
| September, - | – | 2,668 61 | 41 00 | |
| October, - | – | 3,820 81 | 41 00 | |
| November, - | – | 4,318 04 | 41 00 | |
| December, - | 25,000 | 4,634 01 | 41 00 | |

| 1838 | City of Louisville Sinking Fund. | Bank notes and silver. | Total. |
|---|---|---|---|
| January, - - | – | 27,589 08 | 17,588,692 68 |
| February, - - | – | 25,631 41 | 17,676,629 63 |
| March, - - | – | 20,073 92 | 17,373,901 88 |
| April, - - | – | 25,903 67 | 17,472,180 47 |
| May, - - | – | 23,473 58 | 17,764,957 99 |
| June, - - | – | 46,494 24 | 17,697,430 10 |
| July, - - | – | 25,056 61 | 17,664,449 37 |
| August, - - | – | 20,318 42 | 17,313,378 13 |
| September, - - | 194 53 | 29,259 08 | 17,497,273 70 |
| October, - - | – | 33,704 53 | 18,410,097 66 |
| November, - - | – | 26,580 01 | 18,452,737 18 |
| December, - - | – | 40,426 65 | 18,861,200 28 |

CONSOLIDATED STATEMENT.

LIABILITIES.

| 1838 | Capital Stock. | Notes in circulation. | Individual Deposits. |
|---|---|---|---|
| January, - - | 8,634,644 36 | 4,088,310 00 | 1,159,672 89 |
| February, - - | 8,659,604 60 | 4,187,735 00 | 1,271,738 84 |
| March, - - | 8,664,929 60 | 4,092,635 00 | 1,253,135 57 |
| April, - - | 8,666,920 60 | 4,139,935 00 | 1,331,759 37 |
| May, - - | 8,683,510 60 | 4,279,303 00 | 1,371,070 41 |
| June, - - | 8,731,155 60 | 4,507,170 00 | 1,467,789 23 |
| July, - - | 8,758,227 60 | 4,526,220 00 | 1,322,143 36 |
| August, - - | 8,773,423 60 | 4,350,876 00 | 1,328,262 53 |
| September, - - | 8,77,6718 60 | 4,634,647 00 | 1,355,822 23 |
| October, - - | 8,822,925 00 | 5,251,886 00 | 1,349,139 68 |
| November, - - | 8,864,990 00 | 5,331,454 00 | 1,268,433 29 |
| December, - - | 8,918,004 00 | 5,418,320 00 | 1,459,112 57 |

| 1838 | Due to other Banks. | Due to the Treasury of the State. | Due to Treasury of U. States. |
|---|---|---|---|
| January, - - | 1,080,780 30 | 88,076 30 | 777,347 92 |
| February, - - | 1,061,330 58 | 33,122 86 | 761,380 02 |
| March, - - | 1,202,050 86 | 22,645 86 | 709,189 69 |
| April, - - | 1,072,028 58 | 15,027 07 | 700,904 40 |
| May, - - | 948,255 03 | 175,848 72 | 727,063 90 |
| June, - - | 758,885 64 | 65,709 53 | 566,295 18 |
| July, - - | 643,504 75 | 33,550 21 | 747,506 57 |
| August, - - | 611,810 59 | 25,761 83 | 461,097 76 |
| September, - - | 706,945 06 | 6,831 80 | 155,816 45 |
| October, - - | 896,060 15 | 3,340 65 | 177,842 22 |
| November, - - | 897,912 10 | 4,872 20 | 193,416 43 |
| December, - - | 1,029,467 40 | 69,967 45 | 338,946 70 |

| 1838 | Due Commissioners of Sinking Fund. | Due Treas. of Internal Improvement. | Contingent Fund and Profit and Loss. |
|---|---|---|---|
| January, - - | 55,137 14 | 116,784 87 | 243,240 30 |
| February, - - | 72,944 62 | 9,153 01 | 243,240 30 |
| March, - - | 1,996 85 | — | 243,246 30 |
| April, - - | 23,295 41 | 8,631 26 | 243,251 70 |
| May, - - | 7,194 66 | 1,551 26 | 243,251 70 |
| June, - - | 7,194 66 | 2,387 76 | 304,022 37 |
| July, - - | 40,786 20 | 115,179 10 | 230,710 98 |
| August, - - | 40,393 20 | 140,913 18 | 229,176 38 |
| September, - - | 71,606 24 | 204,877 03 | 229,176 38 |
| October, - - | 39,628 84 | 234,114 82 | 229,176 38 |
| November, - - | 42,838 84 | 179,820 69 | 229,176 38 |
| December, - - | 9,805 52 | 245,744 84 | 360,089 92 |

CONSOLIDATED STATEMENT—Continued.

LIABILITIES.

| 1838 | Discounts and premiums. | Bank of the U. States. | Board of education. |
|---|---|---|---|
| January, | 44,749 53 | 1,193,761 80 | |
| February, | 118,480 10 | 1,193,761 80 | |
| March, | 200,352 17 | 918,761 80 | |
| April, | 247,025 88 | 918,761 80 | 22,847 77 |
| May, | 302,292 93 | 918,761 80 | 22,597 77 |
| June, | 259,327 69 | 918,761 80 | 22,597 77 |
| July, | 60,528 31 | 918,761 80 | 22,597 77 |
| August, | 123,220 01 | 918,761 80 | 22,225 92 |
| September, | 198,267 98 | 918,761 80 | 22,125 02 |
| October, | 279,056 50 | 918,761 80 | 22,125 02 |
| November, | 348,261 78 | 734,380 90 | 21,975 02 |
| December, | 278,612 02 | 459,380 90 | 21,945 02 |

| 1838 | Dividends unclaimed. | Pn. on acc't of Int. Impr'vmnt. | District court U. States. |
|---|---|---|---|
| January, | 40,280 47 | | |
| February, | 10,944 41 | | |
| March, | 10,108 10 | | |
| April, | 9,395 59 | | |
| May, | 8,920 19 | | |
| June, | 7,927 77 | | |
| July, | 131,021 67 | | |
| August, | 97,436 21 | 3,181 23 | |
| September, | 75,428 43 | 4,141 53 | |
| October, | 70,703 32 | | |
| November, | 22,275 44 | – | 2,220 00 |
| December, | 21,538 55 | – | 2,220 00 |

| 1838 | James Clark, Governor. | Costs of suit. | Real estate fund. |
|---|---|---|---|
| January, | | | |
| February, | | | |
| March, | | | |
| April, | | | |
| May, | | | |
| June, | | | |
| July, | | | |
| August, | | | |
| September, | | | |
| October, | | | |
| November, | 100,000 00 | 34 78 | |
| December, | 100,000 00 | – | 2,500 00 |

CONSOLIDATED STATEMENT—Continued.

LIABILITIES.

| 1838 | Due State of Kentucky. | Due State Government officers. | Deposits at 4 per cent interest. |
|---|---|---|---|
| January, | 15,000 00 | – | 41,590 61 |
| February, | – | – | 41,798 61 |
| March, | – | – | 45,230 61 |
| April, | – | – | 61,090 61 |
| May, | – | – | 59,397 65 |
| June, | – | – | 57,092 05 |
| July. | – | 42,508 96 | 56,732 30 |
| August, | – | 112,508 96 | 60,231 71 |
| September, | – | 57,720 44 | 66,563 71 |
| October, | – | 29,247 94 | 67,668 71 |
| November, | – | 128,449 94 | 63,817 13 |
| December, | – | 32,124 94 | 64,278 13 |

| 1838 | Weekly deposits. | Due Treasurer City Louisville. | Pt. & loss, disc'nt exchange & intst. |
|---|---|---|---|
| January, | 6,358 00 | – | 2,958 19 |
| February, | 6,852 50 | – | 4,542 38 |
| March, | 2,054 50 | 1,529 14 | 6,035 83 |
| April, | 3,137 00 | 883 48 | 7,284 95 |
| May, | 4,918 75 | – | 11,019 62 |
| June, | 8,896 75 | – | 12,216 80 |
| July, | 4,990 75 | – | 6,683 79 |
| August, | 2,082 75 | – | 8,690 47 |
| September, | 2,100 00 | – | 9,724 00 |
| October. | 5,700 00 | – | 11,190 91 |
| November, | 2,169 79 | – | 12,630 42 |
| December, | 4,929 79 | – | 14,013 23 |

| 1838 | City of Louisville, Sinking Fund. | Total, |
|---|---|---|
| January, | – | 17,588,692 68 |
| February, | – | 17,676,629 63 |
| March, | – | 17,373,901 88 |
| April, | – | 17,472,180 47 |
| May, | – | 17,764,957 99 |
| June, | – | 17,697,430 10 |
| July, | 2,795 25 | 17,664,449 37 |
| August, | 3,324 90 | 17,313,378 13 |
| September, | – | 17,497,273 70 |
| October, | 1,529 72 | 18,410,097 66 |
| November, | 3,608 05 | 18,452,737 18 |
| December, | 10,199 53 | 18,861,200 21 |

*Rates at which the several Banks in Kentucky purchased Exchange from January to December*, 1838.

## BANK OF KENTUCKY—

### AT LOUISVILLE.

| WHERE PAYABLE. | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| New Orleans, - - - | – | 1½ | 2½ | 2½ | 5 | 5 | 5 | 5 | 3 | 2 | 2 | |
| Cincinnati, - - - | – | half | half | half | half | half | half | half | half | half | half | |
| Madison and New Albany, - | – | do | do | do | do | do | do | do | do | do | do | |
| Tere Haute, - - - | – | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 2 | |
| Vincennes and Evansville, - | – | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |
| St. Louis, - - - - | – | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | |
| Philadelphia, New York, and Boston, - - - - | – | par | par | par | par | par | par | par | par | par | par | |
| Pittsburg, - - - - | – | half | half | hal | par | par | par | half | half | half | half | |
| Wheeling, - - - - | – | do | do | do | half | half | half | do | do | do | do | |
| Richmond, Va., - - - | – | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | |
| Shawnetown, - - - | – | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | |
| Lexington, Maysville, Frankfort, and Danville, - - | – | half | half | half | half | half | half | half | half | half | half | |
| Greensburg, Hopkinsville, and Bowlinggreen, - - - | – | 1 | 1 | 1 | 1 | 1 | 1 | do | do | do | do | |

## Rates of Exchange—Continued.

### AT FRANKFORT.

| WHERE PAYABLE. | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| New Orleans, - - - | – | 3 | 3 | 3 to 5 | 5 | 5 | 5 | 5 | 3 to 5 | 2 to 3 | 2 | 2 |
| Louisville and Lexington, - | half | half | half | half | half | half | half | half | half | half | half | half |
| Cincinnati and St. Louis, - | 1 | 1 | 1 | 1 | 1 | 1 | – | 1 | – | 1 | | |
| Within the State, - - - | half | half | half | half | half | half | do | half | do | half | half | half |
| Pittsburg, - - - - - | – | – | – | – | – | – | – | – | – | – | par | |
| New York, - - - - - | – | – | – | – | – | – | – | – | – | par | par | |
| City of Washington, - - | – | – | – | – | – | – | – | – | – | – | par | |
| South Carolina and Georgia, - | – | – | – | – | – | – | – | 5 | 5 | | | |

### AT LEXINGTON.

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| New Orleans, - - - | – | 3 | 5 | 5 | 5 | 5 | 5 | 5 | 3 | 2 | 2 |
| Alton, Illinois, - - - | – | – | – | 1 | | | | | | | |
| Cincinnati, - - - | – | 1 | – | half | 1 | 1 | 1 | 1 | 1 | 1 | half |
| Washington city, - - - | – | – | half | par | half | par | – | – | 1 | – | 1 |
| New York, - - - - | – | – | – | par | – | – | – | – | – | par | par |
| Within the State, - - | – | half | do | half | do | half | half | half | – | half | half |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | – | – | – | 5 | 5 | 5 | 3 | 3 | 2 | 2 | 2 |
| | | | | | | | | | | 1 | 1 |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| New York, | – | – | – | par | – | – | – | – | – | 1 | – | 1 |
| Within the State, | – | half | do | half | do | half | half | half | – | par | par |
| | | | | | | | | | | | half | half |
| South Carolina, | – | – | – | 5 | 5 | 5 | 3 | 3 | 2 | 2 | 2 |
| St. Louis, | – | – | – | – | – | 1 | 1 | – | – | 1 | 1 |
| Richmond, Va., | – | – | 3 | – | – | – | – | – | – | – | 1 |
| Georgia, | – | – | – | – | – | – | – | – | 3 | 3 | 3 |
| Illinois, | – | – | – | – | – | – | 1 | | | | |
| Philadelphia and Baltimore, | – | – | – | – | – | – | – | – | par | | |

AT MAYSVILLE.

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| New Orleans, | – | 3 | 3 | 3 | 5 | 5 | 5 | 5 | – | 2 | 2 |
| Georgia, | – | 5 | | | | | | | | | |
| South Carolina, | – | 5 | 5 | – | – | – | – | 5 | 3 | | |
| Louisville, | – | half | half | half | half | half | half | – | – | half | half |
| Lexington, | – | do | half | – | – | half | half | – | – | half | |
| Boston, | – | do | half | half | | | | | | | |
| Philadelphia, | – | – | half | – | – | – | – | half | – | – | half |
| Pittsburg, | – | – | half | | | | | | | | |
| Richmond, Va., | – | – | 3 | – | 3 | – | 3 | 3 | 2 | 2 | |
| Charleston, Kena., | – | – | 1½ | | | | | | | | |
| Wheeling, | – | – | – | – | half | | | | | | |
| Paris, | – | – | – | – | half | – | hal | – | – | half | |
| Cincinnati, | – | – | – | – | – | – | – | – | half | half | half |
| Baltimore, | – | – | – | – | – | – | – | half | – | – | half |
| New York, | – | – | – | – | – | – | – | half | – | – | half |

AT DANVILLE, GREENSBURG, BOWLINGGREEN, HOPKINSVILEE.

The returns from these branches are not entirely full; the rates of exchange are, however, about the same as exhibited above

RATES OF EXCHANGE—Continued.

## NORTHERN BANK—

AT LEXINGTON.

| WHERE PAYABLE. | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| New Orleans, | – | 3 | 3 | 5 | 5 | 5 | 5 | 5 | 3 to 5 | 2 | 2 | 2 |
| Richmond, Va., | – | 3 | – | – | – | – | – | – | 2 | 2 | 2 | |
| South Carolina, | – | 3 | 3 | – | 3 | – | 3 | 3 | 2½ | 2 | 2 | 2 |
| Georgia, | – | 3 | | | | | | | | | | |
| Within the State, | – | half | half | half | half | half | half | half | half | half | half | half |
| Philadelphia, | – | – | par | – | par | par | par | par | par | par | par | par |
| Natchez, | – | – | 3 | | | | | | | | | |
| Cincinnati, | – | – | 1 | – | – | 1 | | | | | | |
| New York, | – | – | par | – | – | par | par | par | par | par | par | |
| Baltimore, | – | – | – | – | par | par | – | par | par | | | |
| Washington city, | – | – | – | – | – | par | par | – | 1 | 1 | 1 | 1 |
| St. Louis, | – | – | – | – | – | – | – | – | 1 | 1 | | |

AT LOUISVILLE.

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Washington city, | – | – | – | – | – | – | – | – | – | – | 1 | 1 | | |
| St. Louis, | – | – | – | – | – | – | – | – | – | – | 1 | 1 | | |

AT LOUISVILLE.

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| New Orleans, | – | $2\frac{1}{2}$ to 3 | 3 | 3 to 5 | 5 | $3\frac{1}{2}$ to 5 | 5 | 3 to 5 | 2 to 3 | 2 | 2 | 2 |
| New Albany, | – | half | half | half | half | half | half | half | half | half | half | half |
| Cincinnati, | – | half | half | half | half | half | half | half | half | half | half | half |
| Wheeling, | – | half | half | half | half | half | half | half | half | half | – | half |
| Baltimore, | – | par | par | – | par | – | – | – | – | – | par | half |
| New York, | – | par | par | par | – | par | – | par | par | par | par | |
| Within the State, | – | half | half | half | $\frac{1}{2}$ to $1\frac{1}{2}$ | $\frac{1}{2}$ to $1\frac{1}{2}$ | $\frac{1}{2}$ to $1\frac{1}{2}$ | $\frac{1}{2}$ to $1\frac{1}{2}$ | $\frac{1}{2}$ to $1\frac{1}{2}$ | $\frac{1}{2}$ to $2\frac{1}{2}$ | 1 to $1\frac{1}{2}$ | 1 to $1\frac{1}{2}$ |
| Madison, | – | – | half | half | half | half | half | half | half | half | half | half |
| Pittsburg, | – | – | half | $\frac{1}{2}$ to p'r | $\frac{1}{2}$ to par | half | half | half | half | half | half | half |
| Boston, | – | – | par | – | – | par | – | – | par | – | par | par |
| Philadelphia, | – | – | par | par | par | par | par | par | par | par | – | par |
| Steubenville, | – | – | 1 | | | | | | | | | |
| Chilicothe, | – | – | 1 | | | | | | | | | |
| Richmond, Va. | – | – | $\frac{1}{2}$ to 1 | 1 to $1\frac{1}{2}$ | $1\frac{1}{2}$ | $1\frac{1}{2}$ | – | $1\frac{1}{2}$ | – | $1\frac{1}{2}$ | | |
| St. Louis, | – | – | – | – | 2 | 2 | 2 | 2 | $1\frac{1}{2}$ to 2 | $1\frac{1}{2}$ | | |
| Shawneetown, | – | – | – | – | – | 2 | – | – | – | – | 2 | |
| Bedford, | – | – | – | – | – | – | – | – | 1 | $1\frac{1}{2}$ | | |
| Mobile, | – | – | – | – | – | – | – | – | – | – | 1 | 1 |

AT PARIS, COVINGTON, RICHMOND.

The rates of exchange at these branches are about the same as above exhibited.

RATES OF EXCHANGE—Continued.

## LOUISVILLE SAVINGS INSTITUTION.

| WHERE PAYABLE. | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bedford, Ind., | – | – | – | – | 2 | – | – | – | – | – | 2 | 1½ |
| Wheeling, | – | – | – | – | – | half | 1 | – | – | half | – | half |
| New Albany, | – | – | – | – | – | – | half | – | – | half | half | half |
| Quincy, Ill., | – | – | – | – | – | – | 2½ | – | 2 | 2 | 2 | 2 |
| Boston, | – | – | – | – | – | – | – | par | – | – | – | – |
| New Orleans, | – | – | – | – | – | – | – | 5 | – | – | 2 | 2 |
| Canton, Ind., | – | – | – | – | – | – | – | – | – | hal | | |
| Newark, N. J., | – | – | – | – | – | – | – | – | – | half | | |
| Salem and Paris, Ind., | – | – | – | – | – | – | – | – | – | 1 | | |
| Hopkinsville, Ky., | – | – | – | – | – | – | – | – | – | half | | |

MECHANICS' SAVINGS INSTITNTION OF LOUISVILLE.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Newark, N. J., | – | – | – | – | – | – | – | – | – | – | 1 | |
| Salem and Paris, Ind., | – | – | – | – | – | – | – | – | – | – | half | |
| Hopkinsville, Ky., | – | – | – | – | – | – | – | – | – | – | | |

## MECHANICS' SAVINGS INSTITNTION OF LOUISVILLE.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Frankfort, | – | – | 1 | – | – | – | – | – | – | 1 | 1 | |
| Pittsburg, | – | – | 1 | – | – | – | half | half | – | half | | |
| Vincennes, | – | – | 2 | – | – | 2 | | | | | | |
| Cincinnati, | – | – | – | 1 to ½ | – | 1 | 1 | 1 | 1 | 1 | ½ to 1 | |
| Steubenville, | – | – | – | 1 | 1 | | | | | | | |
| Evansville, Indiana, | – | – | – | – | – | 2½ | – | – | – | – | 2 | |
| Wheeling, | – | – | – | – | – | half | – | – | 1 | – | half | |
| St. Louis, | – | – | – | – | – | 2½ | 2 | 2 | 2 to 2½ | 2 | 2 to 1½ | |
| Alton, Illinois, | – | – | – | – | – | – | – | 2 | – | 2 | 1½ | |
| New Albany, | – | – | – | – | – | – | – | half | – | – | 1 | |
| Baltimore, | – | – | – | – | – | – | – | – | ¾ | – | | |
| Lexington, | – | – | – | – | – | – | – | – | – | 1 | | |
| Paris, | – | – | – | – | – | – | – | – | – | 1 | | |
| Bowlinggreen, Kentucky, | – | – | – | – | – | – | – | – | – | – | 1 | |

*Classification of Debts at the several Banks, from January 31, to December 31, 1838.*

BANK OF KENTUCKY—

AT LOUISVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - - | | | | | | | | | | | | |
| February, - - - - - | 108 | 126 | 223 | 54 | 24 | 15 | 11 | 1 | 1 | 1 | 4 | |
| March, - - - - - | 155 | 126 | 232 | 56 | 26 | 13 | 11 | 1 | 1 | 1 | 4 | |
| April, - - - - - | 155 | 131 | 238 | 53 | 28 | 13 | 9 | 1 | 2 | 1 | 4 | |
| May, - - - - - | 162 | 129 | 245 | 55 | 22 | 17 | 4 | 1 | 2 | 1 | 4 | |
| June, - - - - - | 167 | 127 | 240 | 51 | 27 | 16 | 6 | – | – | 1 | 4 | |
| July, - - - - - | 166 | 122 | 226 | 60 | 23 | 19 | 4 | 2 | 2 | 1 | 4 | |
| August, - - - - - | 174 | 119 | 222 | 57 | 23 | 19 | 2 | 2 | – | 1 | 4 | |
| September, - - - - - | 166 | 127 | 234 | 57 | 21 | 16 | 2 | 4 | – | 1 | 4 | |
| October, - - - - - | 165 | 131 | 246 | 54 | 22 | 13 | 4 | 3 | 2 | 1 | 3 | |
| November, - - - - - | 165 | 130 | 257 | 59 | 20 | 14 | 5 | 2 | 1 | – | – | 1 |
| December, - - - - - | | | | | | | | | | | | |

3 over 50,000.

BANK OF KENTUCKY—

AT LOUISVILLE.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | 20 | 23 | 51 | 9 | 4 | – | 1 | 1 | – | 1 | | |
| February, | 21 | 25 | 49 | 7 | 3 | – | 1 | 1 | | | | |
| March, | 16 | 17 | 39 | 10 | 5 | 2 | – | 1 | 1 | | | |
| April, | 20 | 11 | 44 | 12 | 3 | 3 | – | – | | | | |
| May, | 18 | 21 | 33 | 12 | 3 | 3 | 1 | – | 1 | | | |
| June, | 24 | 20 | 31 | 11 | 6 | 4 | 1 | | | | | |
| July, | 26 | 22 | 39 | 10 | 5 | 2 | 1 | | | | | |
| August, | 32 | 25 | 41 | 12 | 6 | – | – | 1 | | | | |
| September, | 38 | 33 | 45 | 13 | 3 | 3 | 3 | | | | | |
| October, | 37 | 21 | 66 | 14 | 4 | 1 | 2 | 1 | – | 1 | | |
| November, | | | | | | | | | | | | |
| December, | | | | | | | | | | | | |

## BANK OF KENTUCKY—

AT FRANKFORT.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 214 | 87 | 99 | 11 | | | | | | | | |
| March, | 217 | 85 | 104 | 9 | – | 1 | 1 | – | – | 1 | | |
| April, | 229 | 82 | 101 | 11 | – | 1 | 1 | – | – | 1 | | |
| May, | 245 | 78 | 99 | 12 | – | 2 | – | – | – | 1 | | |
| June, | 236 | 78 | 101 | 10 | 1 | 2 | – | – | – | 1 | | |
| July, | 227 | 64 | 88 | 11 | 1 | 1 | | | | | | |
| August, | 250 | 83 | 99 | 10 | 1 | 1 | | | | | | |
| September, | 248 | 81 | 105 | 8 | 1 | 1 | | | | | | |
| October, | 263 | 77 | 105 | 9 | 2 | 1 | – | – | – | 1 | | |
| November, | 255 | 80 | 100 | 11 | 2 | 1 | – | – | – | 1 | | |
| December, | | | | | | | | | | | | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| November, - - - - | 255 | 80 | 100 | 11 | 2 | 1 | – | – | – | 1 | | |
| December, - - - - | | | | | | | | | | | | |

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT FRANKFORT.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | 19 | 22 | 40 | 1 | 1 | | | | | | | |
| March, - - - - - | 10 | 17 | 35 | 1 | 1 | | | | | | | |
| April, - - - - - | 6 | 13 | 27 | 1 | | | | | | | | |
| May, - - - - - | 8 | 9 | 27 | | | | | | | | | |
| June, - - - - - | 9 | 10 | 22 | | | | | | | | | |
| July, - - - - - | 11 | 15 | 25 | 2 | | | | | | | | |
| August, - - - - - | 12 | 17 | 22 | 3 | | | | | | | | |
| September, - - - - | 12 | 21 | 21 | 6 | | | | | | | | |
| October, - - - - - | 10 | 24 | 30 | 7 | | | | | | | | |
| November, - - - - | 10 | 32 | 32 | 7 | | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

CLASSIFICATION OF DEBTS—Continued.

## BANK OF KENTUCKY—

### AT LEXINGTON.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 251 | 106 | 160 | 16 | 4 | | | | | | | |
| March, | 251 | 124 | 152 | 12 | 4 | | | | | | | |
| April, | 257 | 133 | 145 | 16 | 3 | 1 | | | | | | |
| May, | 270 | 122 | 158 | 17 | 3 | 1 | | | | | | |
| June, | 256 | 121 | 156 | 18 | 3 | 1 | | | | | | |
| July, | 265 | 108 | 153 | 20 | 3 | 1 | | | | | | |
| August, | 265 | 114 | 163 | 15 | 2 | 1 | | | | | | |
| September, | 250 | 121 | 150 | 17 | 1 | 1 | | | | | | |
| October, | 244 | 114 | 152 | 13 | 1 | 1 | | | | | | |
| November, | 256 | 111 | 145 | 14 | 2 | | | | | | | |
| December, | | | | | | | | | | | | |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| November, - - - - | 256 | 111 | 145 | 14 | 2 | | | | | | | | |
| December, - - - - | | | | | | | | | | | | | |



BANK OF KENTUCKY—

AT LEXINGTON.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | 24 | 27 | 61 | 4 | 2 | 2 | 1 | | | | | |
| February, - - - - | 21 | 24 | 51 | 2 | 1 | 3 | 1 | | | | | |
| March, - - - - | 17 | 25 | 37 | 5 | 1 | 3 | 1 | 1 | | | | |
| April, - - - - | 15 | 16 | 39 | 4 | - | 2 | 1 | | | | | |
| May, - - - - | 15 | 20 | 26 | 7 | - | 3 | | | | | | |
| June, - - - - | 18 | 20 | 38 | 7 | 1 | 1 | 1 | | | | | |
| July, - - - - | 22 | 26 | 38 | 8 | 2 | 1 | 1 | | | | | |
| August, - - - - | 22 | 31 | 58 | 11 | 2 | 1 | - | - | 1 | | | |
| September, - - - - | 19 | 27 | 95 | 17 | 3 | 2 | 1 | - | 1 | | | |
| October, - - - - | 19 | 35 | 96 | 17 | 4 | 3 | 1 | - | 1 | | | |
| November, - - - - | | | | | | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

## BANK OF KENTUCKY—

### AT MAYSVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 177 | 95 | 113 | 16 | 6 | 1 | 1 | 1 | | 1 | | |
| March, | 179 | 97 | 126 | 6 | 3 | | 1 | 1 | | 1 | | |
| April, | 187 | 99 | 119 | 17 | 4 | 1 | 1 | 1 | | 1 | | |
| May, | 197 | 104 | 138 | 3 | 5 | 1 | 1 | 1 | | 1 | | |
| June, | 190 | 100 | 137 | 2 | 5 | 1 | 1 | 1 | | 1 | | |
| July, | 195 | 103 | 124 | 15 | 7 | 1 | 1 | 1 | 1 | | | |
| August, | 203 | 109 | 130 | 15 | 7 | 1 | 1 | 1 | 1 | | | |
| September, | 211 | 120 | 133 | 17 | 6 | 3 | 1 | 1 | | 1 | | |
| October, | 204 | 109 | 131 | 15 | 6 | 3 | 1 | 1 | | 1 | | |
| November, | 210 | 99 | 124 | 15 | 9 | 3 | 1 | 1 | | 1 | | |
| December, | | | | | | | | | | | | |

December, - - - -



## BANK OF KENTUCKY—

### AT MAYSVILLE.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | – | 15 | 21 | 5 | | | | | | | | |
| February, - - - - | – | 17 | 17 | 5 | | | | | | | | |
| March, - - - - - | – | 15 | 14 | 5 | 1 | | | | | | | |
| April, - - - - - | – | 19 | 10 | 4 | | | | | | | | |
| May, - - - - - | – | 13 | 12 | | | | | | | | | |
| June, - - - - - | 9 | 9 | 9 | | | | | | | | | |
| July, - - - - - | – | 10 | 10 | | | | | | | | | |
| August, - - - - - | 5 | 7 | 18 | 3 | | | | | | | | |
| September, - - - - | – | 17 | 39 | 2 | 1 | | | | | | | |
| October, - - - - - | – | 24 | 46 | 3 | 1 | | | | | | | |
| November, - - - - | | | | | | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

## BANK OF KENTUCKY—

### AT DANVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | 202 | 98 | 27 | | | | | | | | | |
| March, - - - - - | 231 | 112 | 26 | | | | | | | | | |
| April, - - - - - | 244 | 116 | 24 | | | | | | | | | |
| May, - - - - - | | | | | | | | | | | | |
| June, - - - - - | | | | | | | | | | | | |
| July, - - - - - | | | | | | | | | | | | |
| August, - - - - - | | | | | | | | | | | | |
| September, - - - - | | | | | | | | | | | | |
| October, - - - - | | | | | | | | | | | | |
| November, - - - - | 320 | 100 | 13 | | | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

December, - - - -

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT DANVILLE.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | 4 | 11 | 2 | | | | | | | | | |
| March, - - - - | 1 | 8 | 2 | | | | | | | | | |
| April, - - - - | 1 | 2 | 1 | | | | | | | | | |
| May, - - - - | 1 | 1 | 2 | | | | | | | | | |
| June, - - - - | 1 | | 2 | | | | | | | | | |
| July, - - - - | | | | | | | | | | | | |
| August, - - - - | | | | | | | | | | | | |
| September, - - - - | | | | | | | | | | | | |
| October, - - - - | | | | | | | | | | | | |
| November, - - - - | 21 | 20 | 27 | | | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

## BANK OF KENTUCKY—

### AT GREENSBURG.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 187 | 27 | 31 | 3 | 1 | 1 | 2 | | | | | |
| March, | 178 | 29 | 35 | 2 | 1 | 2 | 1 | | | | | |
| April, | 166 | 40 | 30 | 1 | 1 | 2 | 2 | | | | | |
| May, | 168 | 38 | 28 | 1 | 1 | 4 | | | | | | |
| June, | 170 | 37 | 28 | 2 | 1 | 3 | 1 | | | | | |
| July, | 177 | 36 | 31 | 3 | 2 | | | | | | | |
| August, | 176 | 31 | 31 | 2 | 2 | | | | | | | |
| September, | 171 | 37 | 31 | 3 | 2 | | | | | | | |
| October, | 180 | 37 | 32 | 3 | 2 | | | | | | | |
| November, | 180 | 34 | 34 | 2 | 1 | | | | | | | |
| December, | | | | | | | | | | | | |

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT GREENSBURG.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | – | 10 | 17 | | | | | | | | | |
| March, | 2 | 5 | 16 | | | | | | | | | |
| April, | 10 | 13 | 2 | | | | | | | | | |
| May, | 7 | 5 | 7 | | | | | | | | | |
| June, | 5 | 5 | 8 | | | | | | | | | |
| July, | – | 5 | 11 | | | | | | | | | |
| August, | – | 3 | 11 | | | | | | | | | |
| September, | – | 2 | 12 | | | | | | | | | |
| October, | – | 2 | 13 | | | | | | | | | |
| November, | – | 2 | 14 | | | | | | | | | |
| December, | | | | | | | | | | | | |

## BANK OF KENTUCKY—

### AT BOWLINGGREEN.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 134 | 41 | 43 | 4 | | | | | | | | |
| March, | 132 | 37 | 44 | 5 | | | | | | | | |
| April, | 132 | 37 | 41 | 6 | Includes bills discounted and bills of exchange. | | | | | | | |
| May, | 134 | 41 | 37 | 8 | | | | | | | | |
| June, | 131 | 46 | 36 | 8 | | | | | | | | |
| July, | 128 | 46 | 37 | 9 | | | | | | | | |
| August, | 144 | 39 | 14 | 7 | | | | | | | | |
| September, | 154 | 40 | 38 | 7 | | | | | | | | |
| October, | 170 | 36 | 39 | 6 | Includes bills discounted and bills of exchange. | | | | | | | |
| November, | 171 | 47 | 33 | 7 | 1 | | | | | | | |
| December, | | | | | | | | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| September, | 154 | 40 | 38 | 7 | Includes bills discounted and bills of exchange. |
| October, | 170 | 36 | 39 | 6 | |
| November, | 171 | 47 | 33 | 7 | 1 |
| December, | | | | | |

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT BOWLINGGREEN.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | | | | | | | | | | | | |
| March, | | | | | | | | | | | | |
| April, | | | | | | | | | | | | |
| May, | | | | | | | | | | | | |
| June, | | | | | | | | | | | | |
| July, | 2 | 5 | 6 | | | | | | | | | |
| August, | 1 | 6 | 5 | | | | | | | | | |
| September, | 5 | 5 | 6 | | | | | | | | | |
| October, | | | | | | | | | | | | |
| November, | 7 | 5 | 7 | | | | | | | | | |
| December, | | | | | | | | | | | | |

## BANK OF KENTUCKY—

### AT HOPKINSVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | | | | | | | | | | | | |
| March, | | | | | | | | | | | | |
| April, | | | | | | | | | | | | |
| May, | | | | | | | | | | | | |
| June, | | | | | | | | | | | | |
| July, | | | | | | | | | | | | |
| August, | | | | | | | | | | | | |
| September, | | | | | | | | | | | | |
| October, | 286 | 57 | 64 | 6 | | | | | | | | |
| November, | 215 | 64 | 66 | 5 | | | | | | | | |
| December, | | | | | | | | | | | | |

December, - - - -

CLASSIFICATION OF DEBTS—Continued.

BANK OF KENTUCKY—

AT HOPKINSVILLE.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | | | | | | | | | | | | |
| March, - - - - | | | | | | | | | | | | |
| April, - - - - | | | | | | | | | | | | |
| May, - - - - | | | | | | | | | | | | |
| June, - - - - | | | | | | | | | | | | |
| July, - - - - | | | | | | | | | | | | |
| August, - - - - | | | | | | | | | | | | |
| September, - - - - | | | | | | | | | | | | |
| October, - - - - | — | — | 6 | | | | | | | | | |
| November, - - - - | 4 | 3 | 10 | | | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

CLASSIFICATION OF DEBTS—Continued.

## NORTHERN BANK OF KENTUCKY—

AT LEXINGTON.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 249 | 141 | 187 | 24 | 10 | – | 2 | – | 1 | | | |
| March, | 259 | 150 | 156 | 25 | 9 | – | 1 | – | 1 | | | |
| April, | 262 | 136 | 163 | 26 | 7 | – | 1 | 1 | – | – | – | 1 |
| May, | 269 | 131 | 151 | 28 | 6 | 1 | 1 | – | 1 | (100,000—1.) | | |
| June, | 265 | 140 | 139 | 26 | 6 | – | 1 | 1 | 1 | (50,000—1.) | | |
| July, | 280 | 154 | 152 | 28 | 6 | 1 | 1 | – | 1 | (50,000—1.) | | |
| August, | 296 | 164 | 160 | 29 | 5 | 1 | 1 | – | 1 | (50,000—1.) | | |
| September, | 293 | 167 | 174 | 28 | 5 | – | 1 | – | 1 | – | – | 1 |
| October, | 270 | 161 | 168 | 27 | 6 | – | – | 1 | – | – | – | 1 |
| November, | 264 | 143 | 170 | 24 | 7 | – | – | 1 | – | – | – | 1 |
| December, | 257 | 141 | 153 | 22 | 5 | 1 | – | 1 | | | | |

CLASSIFICATION OF DEBTS—Continued.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| August, - - - - | 296 | 164 | 160 | 29 | 5 | 1 | 1 | – | 1 | (50,000—1.) | | |
| September, - - - - | 293 | 167 | 174 | 28 | 5 | – | 1 | – | 1 | – | – | 1 |
| October, - - - - | 270 | 161 | 168 | 27 | 6 | – | – | 1 | – | – | – | 1 |
| November, - - - - | 264 | 143 | 170 | 24 | 7 | – | – | 1 | – | – | – | 1 |
| December, - - - - | 257 | 141 | 153 | 22 | 5 | 1 | – | 1 | | | | |



CLASSIFICATION OF DEBTS—Continued.

## NORTHERN BANK OF KENTUCKY—

### AT LEXINGTON.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | 10 | 39 | 78 | 6 | | | | | | | | |
| February, - - - - | 9 | 22 | 59 | 7 | – | – | – | – | – | (above 50,000 | —1.) | |
| March, - - - - | 13 | 20 | 40 | 5 | – | – | 1 | – | – | (above 50,000 | —1.) | |
| April, - - - - | 15 | 22 | 30 | 6 | – | – | 1 | – | – | (above 50,000 | —1.) | |
| May, - - - - | 21 | 24 | 31 | 5 | 1 | – | 1 | – | – | (above 50,000 | —1.) | |
| June, - - - - | 18 | 35 | 49 | 4 | 1 | – | 1 | | | | | |
| July, - - - - | 36 | 35 | 75 | 11 | 1 | – | 1 | | | | | |
| August, - - - - | 54 | 46 | 110 | 12 | 3 | 1 | 2 | | | | | |
| September, - - - - | 56 | 61 | 145 | 23 | 3 | 2 | 3 | | | | | |
| October, - - - - | 56 | 60 | 155 | 24 | 7 | 2 | 3 | 1 | | | | |
| November, - - - - | 53 | 58 | 159 | 26 | 7 | 1 | 4 | 1 | | | | |
| December, - - - - | | | | | | | | | | | | |

CLASSIFICATION OF DEBTS—Continued.

## NORTHERN BANK OF KENTUCKY—

### AT LOUISVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 88 | 61 | 70 | 21 | 6 | 1 | 1 | 1 | – | – | – | 2 |
| March, | 88 | 57 | 78 | 10 | 5 | 1 | 1 | – | 1 | 1 | – | 2 |
| April, | 78 | 67 | 77 | 17 | 8 | 1 | 1 | – | – | 1 | – | 2 |
| May, | 87 | 69 | 79 | 24 | 5 | 2 | – | 1 | – | – | – | 2 |
| June, | 85 | 66 | 88 | 11 | 6 | 1 | – | 1 | 1 | – | 1 | |
| July, | 90 | 72 | 102 | 19 | 6 | 1 | – | 1 | 1 | – | 1 | |
| August, | 70 | 71 | 76 | 17 | 6 | 1 | – | 1 | 1 | 1 | | |
| September, | – | 167 | 104 | 17 | 5 | 1 | 1 | – | 2 | | | |
| October, | 102 | 59 | 88 | 25 | 3 | 1 | – | 1 | 2 | | | |
| November, | 100 | 56 | 96 | 16 | 4 | 2 | – | – | 2 | | | |
| December, | 107 | 62 | 94 | 17 | 2 | 3 | 1 | – | 1 | | | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| November, | 100 | 56 | 96 | 16 | 4 | 2 | – | – | 2 | | | |
| December, | 107 | 62 | 94 | 17 | 2 | 3 | 1 | – | 1 | | | |

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT LOUISVILLE.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | 11 | 10 | 33 | 12 | 1 | | | | 1 | | | |
| February, | 19 | 16 | 24 | 4 | – | – | – | – | 1 | | | |
| March, | 25 | 23 | 28 | 5 | – | – | – | – | – | 1 | | |
| April, | 38 | 35 | 41 | 3 | – | – | – | – | – | 1 | | |
| May, | 35 | 45 | 65 | 5 | 1 | – | 1 | – | 1 | | | |
| June, | 37 | 47 | 59 | 7 | – | – | – | – | 1 | | | |
| July, | 30 | 33 | 65 | 6 | – | – | 1 | – | 2 | 1 | | |
| August, | – | 107 | 83 | 8 | 2 | 1 | – | 1 | – | | | |
| September, | 62 | 45 | 78 | 10 | 2 | – | – | – | – | | | |
| October, | 55 | 35 | 89 | 13 | 2 | 1 | – | – | 1 | | | |
| November, | 58 | 43 | 85 | 12 | 2 | – | – | – | – | | | |
| December, | | | | | | | | | | | | |

## NORTHERN BANK OF KENTUCKY—

### AT COVINGTON.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | 154 | 37 | 53 | 3 | 4 | – | 1 | | | | | |
| February, | 153 | 39 | 52 | 3 | 3 | – | 1 | | | | | |
| March, | | | | | | | | | | | | |
| April, | 144 | 47 | 59 | 6 | 2 | – | 1 | | | | | |
| May, | 147 | 47 | 61 | 3 | 2 | – | – | – | 1 | | | |
| June, | 163 | 43 | 57 | 5 | 2 | – | – | – | 1 | | | |
| July, | 162 | 42 | 56 | 5 | 2 | – | – | – | 1 | | | |
| August, | 154 | 56 | 72 | 6 | 2 | – | – | – | 1 | | | |
| September, | 184 | 49 | 64 | 5 | 2 | – | – | – | 1 | | | |
| October, | 163 | 52 | 80 | 7 | 1 | – | – | – | 1 | | | |
| November, | 160 | 51 | 77 | 6 | 1 | – | – | – | 1 | | | |
| December, | | | | | | | | | | | | |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| October, | | | | | | | | | | | |
| November, | 163 | 52 | 80 | 7 | 1 | – | – | – | 1 | | |
| December, | 160 | 51 | 77 | 6 | 1 | – | – | – | 1 | | |

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT COVINGTON.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | 16 | 24 | 9 | 1 | | | | | | | | |
| March, | 16 | 21 | 7 | 1 | | | | | | | | |
| April, | | | | | | | | | | | | |
| May, | 14 | 12 | 8 | 1 | | | | | | | | |
| June, | 19 | 13 | 11 | 1 | | | | | | | | |
| July, | 23 | 15 | 7 | | | | | | | | | |
| August, | 22 | 12 | 12 | | | | | | | | | |
| September, | 23 | 10 | 24 | 1 | | | | | | | | |
| October, | 28 | 22 | 21 | | | | | | | | | |
| November, | 27 | 22 | 37 | 2 | | | | | | | | |
| December, | 26 | 20 | 46 | 3 | 1 | | | | | | | |

NORTHERN BANK OF KENTUCKY—

AT PARIS.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | 119 | 77 | 80 | 2 | 1 | | | | | | | |
| March, - - - - - | 162 | 107 | 86 | 2 | 1 | | | | | | | |
| April, - - - - - | 182 | 114 | 83 | 2 | 1 | | | | | | | |
| May, - - - - - | 196 | 116 | 80 | 2 | 1 | | | | | | | |
| June, - - - - - | 232 | 129 | 73 | 2 | 1 | | | | | | | |
| July, - - - - - | 247 | 114 | 62 | 2 | 1 | | | | | | | |
| August, - - - - - | 265 | 127 | 75 | 2 | | | | | | | | |
| September, - - - - | 270 | 145 | 82 | 2 | | | | | | | | |
| October, - - - - | 245 | 130 | 79 | 2 | | | | | | | | |
| November, - - - - | 190 | 84 | 70 | 2 | | | | | | | | |
| December, - - - - | 181 | 67 | 61 | 1 | | | | | | | | |

| | | | | |
|---|---|---|---|---|
| December, - - - - | 181 | 67 | 61 | 1 |

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT PARIS.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | 8 | 20 | 21 | 2 | | | | | | | | |
| February, - - - - | 5 | 11 | 10 | - | - | - | 1 | 1 | | | | |
| March, - - - - - | 5 | 6 | 7 | 1 | - | - | 1 | 1 | | | | |
| April, - - - - - | 3 | 6 | 4 | - | - | - | 1 | 1 | | | | |
| May, - - - - - | 3 | 6 | 4 | - | - | - | 1 | | | | | |
| June, - - - - - | 4 | 6 | 7 | | | | | | | | | |
| July, - - - - - | 8 | 11 | 13 | | | | | | | | | |
| August, - - - - - | 20 | 29 | 29 | | | | | | | | | |
| September, - - - - | 21 | 42 | 53 | 2 | 3 | | | | | | | |
| October, - - - - - | 20 | 44 | 55 | 5 | 3 | | | | | | | |
| November, - - - - | 15 | 38 | 52 | 5 | 3 | | | | | | | |
| December, - - - - | | | | | | | | | | | | |

## NORTHERN BANK OF KENTUCKY—

AT LEXINGTON.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | 76 | 40 | 38 | 1 | | | | | | | | |
| March, - - - - - | 84 | 50 | 27 | 1 | | | | | | | | |
| April, - - - - - | 18 | 65 | 42 | 28 | 1 | | | | | | | |
| May, - - - - - | 19 | 69 | 44 | 28 | 1 | | | | | | | |
| June, - - - - - | 18 | 76 | 41 | 28 | 1 | | | | | | | |
| July, - - - - - | 17 | 87 | 35 | 32 | 1 | | | | | | | |
| August, - - - - - | 18 | 103 | 44 | 37 | 1 | | | | | | | |
| September, - - - - | 23 | 122 | 49 | 42 | 1 | | | | | | | |
| October, - - - - | 22 | 128 | 44 | 40 | 1 | | | | | | | |
| November, - - - - | 19 | 127 | 45 | 36 | 1 | | | | | | | |
| December, - - - - | 20 | 120 | 40 | 37 | 1 | | | | | | | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| October, - - - - | 22 | 128 | 44 | 40 | 1 | | | | | | | | | |
| November, - - - - | 19 | 127 | 45 | 36 | 1 | | | | | | | | | |
| December, - - - - | 20 | 120 | 40 | 37 | 1 | | | | | | | | | |

CLASSIFICATION OF DEBTS—Continued.

NORTHERN BANK OF KENTUCKY—

AT RICHMOND.

| 1838. | Bills of Exchange. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, - - - - | | | | | | | | | | | | |
| February, - - - - | 4 | 9 | | | | | | | | | | |
| March, - - - - | 3 | 2 | | | | | | | | | | |
| April, - - - - | 1 | 2 | | | | | | | | | | |
| May, - - - - | | | | | | | | | | | | |
| June, - - - - | – | – | 3 | | | | | | | | | |
| July, - - - - | 1 | – | 3 | | | | | | | | | |
| August, - - - - | 2 | 3 | 9 | | | | | | | | | |
| September, - - - - | 3 | 9 | 15 | | | | | | | | | |
| October, - - - - | 9 | 19 | 30 | | | | | | | | | |
| November, - - - - | 11 | 22 | 35 | | | | | | | | | |
| December, - - - - | 10 | 22 | 36 | | | | | | | | | |

## LOUISVILLE SAVINGS INSTITUTION.

AT LOUISVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 5,000 | 5,000 to 10,000 | 10,000 to 15,000 | 15,000 to 20,000 | 20,000 to 25,000 | 25,000 to 30,000 | 30,000 to 35,000 | 35,000 to 40,000 | 40,000 to 45,000 | 45,000 to 50,000 |
| January, | | | | | | | | | | | | |
| February, | | | | | | | | | | | | |
| March, | 55 | 316 | 34 | 12 | 3 | 4 | 1 | 1 | – | – | – | 1 |
| April, | 53 | 275 | 32 | 9 | 2 | 3 | 1 | – | 1 | – | – | 1 |
| May, | 63 | 296 | 40 | 9 | 5 | 3 | 2 | – | 1 | 1 | | |
| June, | 63 | 282 | 34 | 9 | 7 | 2 | 2 | – | 1 | 1 | | |
| July, | 66 | 306 | 43 | 7 | 8 | – | 2 | – | 1 | 1 | 1 | |
| August, | 60 | 306 | 33 | 7 | 7 | – | 3 | – | 1 | 1 | 1 | |
| September, | 61 | 296 | 29 | 8 | 9 | – | 3 | 1 | – | – | 1 | |
| October, | 59 | 291 | 33 | 10 | 3 | – | 3 | 1 | 1 | – | 1 | |
| November, | 62 | 298 | 33 | 8 | 3 | 4 | 1 | 1 | | | | |
| December, | 59 | 279 | 41 | 6 | 3 | 4 | – | 1 | | | | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| November, | 62 | 298 | 33 | 8 | 3 | 4 | 1 | 1 | | | | |
| December, | 59 | 279 | 41 | 6 | 3 | 4 | – | 1 | | | | |

CLASSIFICATION OF DEBTS—Continued.

BANK OF LOUISVILLE.

| 1838. | Bills Discounted. | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 2,000 | 2,000 to 3,000 | 3,000 to 4,000 | 4,000 to 5,000 | 5,000 to 6,000 | 6,000 to 7,000 | 7,000 to 8,000 | 8,000 to 9,000 | 9,000 to 10,000 | 10,000 to 12,000 | 12,000 and upwards. |
| January, | 127 | 87 | 60 | 25 | 29 | 20 | 8 | 6 | 6 | 5 | 5 | 8 | 10 |
| February, | 115 | 97 | 73 | 30 | 25 | 18 | 6 | 7 | 5 | 4 | 4 | 7 | 12 |
| March, | 126 | 83 | 70 | 35 | 21 | 19 | 7 | 5 | 4 | 7 | 5 | 9 | 16 |
| April, | 127 | 81 | 89 | 34 | 22 | 10 | 4 | 5 | 7 | 2 | 12 | 6 | 9 |
| May, | 142 | 91 | 91 | 33 | 25 | 26 | 9 | 7 | 6 | 4 | 3 | 15 | 5 |
| June, | 152 | 84 | 92 | 42 | 23 | 26 | 6 | 7 | 7 | 6 | 5 | 9 | 15 |
| July, | 142 | 85 | 78 | 41 | 24 | 26 | 3 | 7 | 8 | 6 | 4 | 11 | 14 |
| August, | 131 | 91 | 78 | 35 | 26 | 25 | 7 | 6 | 9 | 4 | 5 | 10 | 15 |
| September, | 129 | 102 | 83 | 36 | 25 | 21 | 7 | 7 | 7 | 5 | 5 | 11 | 14 |
| October, | 132 | 106 | 91 | 28 | 29 | 19 | 7 | 8 | 6 | 6 | 10 | 8 | 13 |
| November, | 141 | 88 | 82 | 34 | 28 | 18 | 10 | 8 | 6 | 7 | 9 | 9 | 11 |
| December, | 147 | 114 | 79 | 42 | 37 | 14 | 9 | 10 | 3 | 11 | 5 | 3 | 16 |

CLASSIFICATION OF DEBTS—Continued.

BANK OF LOUISVILLE.

| 1838. | Bills of Exchange. | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 to 500 | 500 to 1,000 | 1,000 to 2,000 | 2,000 to 3,000 | 3,000 to 4,000 | 4,000 to 5,000 | 5,000 to 6,000 | 6,000 to 7,000 | 7,000 to 8,000 | 8,000 to 9,000 | 9,000 to 10,000 | 10,000 to 12,000 | 12,000 and upwards. |
| January, | 6 | 6 | 6 | 6 | 4 | 2 | 2 | 1 | 1 | 1 | 2 | 2 | 2 |
| February, | 7 | 5 | 7 | 4 | 3 | 1 | 2 | 2 | 2 | 2 | 1 | 2 | 2 |
| March, | 18 | 15 | 10 | 3 | - | 1 | 1 | - | - | - | - | 2 | 2 |
| April, | 21 | 25 | 20 | 5 | 1 | - | - | - | - | - | - | 2 | 2 |
| May, | 27 | 30 | 25 | 13 | 3 | 1 | - | - | - | - | - | 2 | 2 |
| June, | 30 | 33 | 15 | 12 | 4 | 1 | - | - | - | - | - | 2 | 2 |
| July, | 27 | 39 | 17 | 16 | 7 | 3 | 1 | 1 | - | - | - | 2 | 2 |
| August, | 30 | 40 | 19 | 15 | 8 | 2 | 1 | 1 | - | - | - | 2 | 2 |
| September, | 32 | 45 | 20 | 13 | 7 | 1 | - | 1 | - | - | - | 2 | 2 |
| October, | 37 | 40 | 25 | 15 | 8 | 1 | - | 1 | - | - | - | 2 | 3 |
| November, | 43 | 35 | 32 | 16 | 8 | 2 | 1 | 1 | 1 | - | - | 2 | 4 |
| December, | 47 | 30 | 35 | 18 | 9 | 4 | 1 | 2 | 2 | - | - | 3 | 5 |

## QUESTIONS FOR THE BANK OF KENTUCKY.

1st. Has the branches of the Bank of Kentucky complied with the second and third sections of the act, approved the 16th of February, 1838, entitled an act dispensing with quarterly, and substituting monthly, statements, and providing for monthly balance sheets to be lodged with the Secretary of State; and has the Bank of Kentucky complied with said sections?

2d. Will the reports of the Bank of Kentucky, to the Secretary of State, exhibit the true condition of said Bank, and branches, at the close of each month, from the 1st of January, 1838, to the 1st of January, 1839; and if they will not, then exhibit such a statement in connection with your answer to this question?

3d. Has the business of the Bank of Kentucky been transacted on good and safe securities?

4th. What amount of bad debts have you made since your Bank went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

5th. What amount of debts due your Bank are considered doubtful?

6th. Has the deferred debts in the Bank of Kentucky been reduced in accordance with the terms on which they were deferred?

7th. Has that part of the capital employed in exchange, yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, how much, or what per cent., and if it has not, why has it been employed in exchange?

8th. Is there greater punctuality in paying bills of exchange, than in paying notes discounted?

9th. Has the Bank, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest.

10th. Has the Bank purchased bills of exchange and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the Bank, at maturity?

11th. Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days.

12th. Has the Bank discounted notes, or bills of exchange, with an understanding that the amount was to be taken in notes of less value than the notes of your Bank?

13th. Why does your Bank charge one half of one per cent. exchange between different places in your own State?

14th. Why has your Bank charged so high a rate of exchange on New Orleans, and other places in the South?

15th. Has your Bank extended accommodations to the citizens of your county and city, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

16th. Can you state and exhibit the aggregate amount loaned to citizens of Louisville, and the aggregate amount to citizens of other counties, separately?

17th. Has your Bank neglected to fill any vacancy in the Directory of the Bank or branches, and, if so, say how long the vacancy was suffered to exist, and why?

18th. Has your Bank regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

19th. Has your suspended debt been promptly and carefully attended to by your officers?

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BANK OF KENTUCKY,
*Louisville, December* 21, 1838.

GENTLEMEN:

We beg leave to present you with the following answers to the several questions propounded to the Bank of Kentucky, in the order in which they are presented.

ANSWER TO QUESTION 1ST.

The branches of the Bank of Kentucky have complied with the law alluded to, by furnishing monthly statements, and providing monthly balance sheets. These have, by the branches, been sent to the parent Bank, where they are embodied in the monthly exhibit sent to the Secretary of State. The Bank of Kentucky has complied with said law, as understood by us.

ANSWER TO QUESTION 2D.

The reports of the Bank of Kentucky, to the Secretary of State, exhibit the true condition of the parent Bank, at the close of each month, and of the branches to the last discount day of each month, to which period they are made, and not to the last day of the month. The monthly statements of the Bank of Kentucky, to 1st December, inclusive, have been forwarded to the Secretary of State.

ANSWER TO QUESTION 3D.

We believe the business of the Bank of Kentucky to have been transacted on good and safe securities that being always the first object of the Directory. The circumstances of borrowers may, however, change, and, of course, with them the security of the Bank.

ANSWER TO QUESTION 4TH.

We are not aware that in our business we have made any debts that may be considered bad, and have, of course, carried none to account of *Profit and Loss*. We have some debts, in suit, which may result in a loss, but to what extent we cannot now determine.

We have carried the sum of $905 92 to account of Profit and Loss, on a draft remitted for collection from Pittsburg. The collection clerk mistook the words "two months," for "four months." It was not paid by the party on whom it was drawn, and for the error of this Bank, the Bank at Pittsburg claimed the amount. In justification of the clerk, we will say that it would have required very close scrutiny to distinguish.

ANSWER TO QUESTION 5TH.

This question is, in effect, met by answer 4. We have rarely had great difficulty in securing our suspended debt, by giving time to the parties, and in the active debt due the Bank, where there is any doubt, we require additional security, which is always promptly given.

ANSWER TO QUESTION 6TH.

The deferred debts due the Bank have generally been reduced in accordance with the terms on which they were deferred. We have, however, in most instances, taken from the parties bills of exchange, well secured, in part payment of their debts, drawn on such points as the Bank wished to realize funds.

ANSWER TO QUESTION 7TH.

That portion of the capital of the Bank employed in exchange, has yielded a larger profit than an equal portion employed in direct loans, by about three fourths of one per cent. Bills of Exchange are created by the legitimate business of the country, and the holders resort to the Banks, as affording the cheapest means of collection.

ANSWER TO QUESTION 8TH.

There is no greater punctuality in the payment of bills of exchange than of discounted notes, with the exception that a Bank can rely upon the former, to an extent which it cannot upon the latter. The reason is that, payment of the former being thrown at a distant point, any aid, if given, is given by Banks other than that to which the bills belong, or at which they originate, while in the payment of notes, by our own community custom, has seemed to require whatever indulgence the Bank can give, either in the partial renewal of old paper, in the discount of new business paper, or of bills of exchange, which, while the Bank is not curtailing her business, and does not require her means, is legitimate Banking, provided the funds are distributed equally among the applicants.

ANSWER TO QUESTION 9TH.

This Bank has never refused money on regular loan, and afterwards given it on bills of exchange, for the sake of exchange over and above interest. Bills of exchange, on particular points, are often desirable to a Bank, either for the purpose of settling balances, or of creating Eastern Funds, always required by our Banks, and it may have happened, as a necessary result, that

we have, in such cases, refused regular discounts, and purchased such bills, or it may have happened that we have refused regular discounts to those whose accounts we considered sufficiently high already, and afterwards taken from the same parties bills of exchange, payable at desirable points. It also happened that bills of exchange, which the Board did not think bore on their face a bona fide transaction, have been rejected, and the parties afterwards accommodated on direct loan. The object of the Bank was to discard all *kiting*.

ANSWER TO QUESTION 10TH.

This Bank never has.

ANSWER TO QUESTION 11TH.

This Bank never has.

ANSWER TO QUESTION 12TH.

This Bank never has. Applications have frequently been made for discounts by parties, who stated that paper other than our own notes, would suit them. This Board has uniformly acted on the paper offered, without reference to the sort of funds wanted, the proceeds of the notes or bills passing on the books of the Bank to the credit of the parties, and subject to their unconditional check.

ANSWER TO QUESTION 13TH.

We have made this charge to cover the trouble, risk, and expense of transmission. It has not been done with a view to profit, but to accommodate the internal trade of the State. It is not desirable to the Bank to take such bills, serving only, as it does, to increase balances due from the Branches.

ANSWER TO QUESTION 14TH.

The Bank has been regulated in her charges of discount on the South by the difference existing, at various times, between the value of our respective issues. Upon New Orleans, we have gradually lowered the rates of discount as the rates of exchange on the North and West, from that point, decreased, or as we had reasonable ground of belief that the Banks of that city would resume specie payments at an early period.

ANSWER TO QUESTION 15TH.

In the distribution of the means of the Bank, when the solvency of the parties was known, we have shown no preferences. When applications for loans are made by parties who live in distant parts of the State, who do, or should, make their loans at other Banks, or branches, in the State, we give preference to those living in our own Banking district, or to those who, by reason of distance from any other Bank, necessarily apply to us.

ANSWER TO QUESTION 16TH.

We keep no account of the residence of borrowers, nor could we furnish the statement you ask for, except with a great deal of labor. Of the debtors to the Bank on 1st December, there was due, as follows: From the citizens of Louisville, $1,595,194 21. Of the county of Jefferson, $94,619. Nelson, $44,746. Henry, $12,878. Oldham, $9,540. Bullitt, $12,888. Woodford, $19,443. Scott, $5,226. Hardin, $10,649. Fayette, $2,825. McCracken, $15,934. Daviess, $420. Hart, $730. Green, $1,183. Franklin, $7,464. Trimble, $2,190. Gallatin, $1,370. Adair, $1,500. Henderson, $6,715. Washington, $12,776. Spencer, $10,358. Mercer, $4,568. Madison, $1,500. Boone, $1,536. Livingston, $1,852. Shelby, $35,319. Breckinridge, $12,450. Meade, $6,368. Warren, $520. Marion, $1,200. Out of the State, $129,314,

ANSWER TO QUESTION 17TH.

We have omitted to fill a vacancy of one Director in each of the branches of Maysville and of Greensburg, during a part of the present year. This has been done for the want of qualified stockholders.

ANSWER TO QUESTION 18TH.

This requisite has been regularly complied with.

ANSWER TO QUESTION 19TH.

This has been as carefully attended to, as lawyers generally attend to their business.

Very respectfully,

W. H. POPE, *Pres't*,
DAVID HERAN,
GEORGE KEATS,
WM. FELLOWES.

In answer to question 20th, we give you, herewith, tabular statements, giving you all the information sought for. These exclude four houses, on extended time. We, also, have prepared tables, attached hereto, exhibiting the balances, at the close of each month, due to the Bank of Kentucky from each of the branches, as well as the balances, at the close of each month, due from the Bank of Kentucky to each of the branches.

Very respectfully,

W. H. POPE, *Pres't.*
DAVID HERAN,
WM. FELLOWES,
GEORGE KEATS.

To Messrs. J. GUTHRIE, and
D. TRIMBLE,
*Committee.*

Answer to the Question—What aggregate amount has the President and Directors owed as Drawers and Discounters of Bills of Exchange, at the close of each month?

| | By President and Directors. | Firms connected with Pres't and Directors. | Aggregate. |
|---|---|---|---|
| February 28, - - | 23,894 25 | 27,018 97 | 50,913 22 |
| March 31, - - - | 8,720 61 | 52,244 16 | 60,964 77 |
| April 30, - - - | 16,048 02 | 49,362 41 | 65,410 43 |
| May 31, - - - | 17,699 14 | 39,831 33 | 57,530 47 |
| June 30, - - - | 17,734 50 | 63,888 80 | 81,623 30 |
| July 31, - - - | 18,623 14 | 65,754 20 | 84,377 34 |
| August 31, - - - | 10,100 60 | 56,706 76 | 66,807 36 |
| September 30, - - | 16,785 27 | 46,347 59 | 63,132 86 |
| October 31, - - - | 9,706 68 | 49,815 89 | 59,522 57 |
| November 30, - - | 10,982 30 | 58,357 08 | 59,339 38 |

Answer to the Question—What aggregate amount has an equal number of other largest customers of the Bank at the close of each month, and what the amount of fifty others?

| | Eleven others not Directors o connected with them. | Fifty others. | Aggregate. |
|---|---|---|---|
| February 28, - - | 94,282 06 | 163,170 30 | 257,452 36 |
| March 31, - - - | 114,101 23 | 152,613 28 | 266,714 51 |
| April 30, - - - | 105,307 36 | 128,271 79 | 233,579 15 |
| May 31, - - - | 107,540 60 | 130,615 26 | 238,155 86 |
| June 30, - - - | 118,651 20 | 159,674 20 | 278,325 40 |
| July 31, - - - | 121,315 16 | 162,763 21 | 284,078 37 |
| August 31, - - - | 136,309 69 | 165,846 30 | 302,155 99 |
| September 30, - - | 137,577 99 | 173,626 34 | 311,204 33 |
| October 31, - - - | 145,945 71 | 249,614 20 | 395,559 91 |
| November 30, - - | 180,339 58 | 216,316 20 | 396,655 78 |

Answer to Question—What has been the aggregate amount of discounts to the President and Directors of the Bank, at the close of each month?

| | President and Directors. | Firms connected with Pres't and Directors. |
|---|---|---|
| January, - - - - - | 62,700 00 | 144,090 00 |
| February, - - - - - | 62,399 00 | 145,967 00 |
| March, - - - - - | 61,987 00 | 147,692 00 |
| April, - - - - - | 59,604 00 | 157,871 00 |
| May, - - - - - | 58,876 00 | 123,876 00 |
| June, - - - - - | 54,834 00 | 119,804 00 |
| July, - - - - - | 58,171 00 | 118,223 00 |
| August, - - - - - | 60,818 00 | 115,470 00 |
| September, - - - - - | 54,468 00 | 117,293 00 |
| October, - - - - - | 57,837 00 | 118,050 00 |
| November - - - - - | 49,098 00 | – |
| December, - - - - - | – | – |

Answer to Question—What has been the amount owing by an equal number of the other highest customers of the Bank of the discount line, at the close of each month?

| | | | |
|---|---|---|---|
| January, - - | 256,960 00 | July, - - | 240,920 00 |
| February, - - | 248,929 00 | August, - - | 249,399 00 |
| March, - - | 245,853 00 | September, - - | 229,861 00 |
| April, - - | 268,291 00 | October, - - | 254,709 00 |
| May, - - | 283,846 00 | November, - - | 260,705 00 |
| June, - - | 255,534 00 | December, - - | – |

Answer to Question—What aggregate amount was owing by fifty of the largest customers of the Bank on discounts, at the close of each month?

| | | | |
|---|---|---|---|
| January, - - | 434,333 00 | July, - - | 507,005 00 |
| February, - - | 537,273 00 | August, - - | 511,208 00 |
| March, - - | 509,264 00 | September, - | 522,722 00 |
| April, - - | 503,157 00 | October, - - | 501,326 00 |
| May, - - | 497,736 00 | November, - | 465,832 00 |
| June, - - | 497,637 00 | December, - | 497,697 00 |

Answer to the Question—What is the total number of debtors to the Bank on the discount line? and class them from 100 to 500, from 500 to 1000, from 1,000 to 5,000, from 5,000 to 10,000 and so on, rising 5,000 each time?

| Number Debtors. | | | | |
|---|---|---|---|---|
| 165 | from | $ 100 | to | $ 500 |
| 129 | from | 500 | to | 1,000 |
| 257 | from | 1,000 | to | 5,000 |
| 60 | from | 5,000 | to | 10,000 |
| 20 | from | 10,000 | to | 15,000 |
| 14 | from | 15,000 | to | 20,000 |
| 5 | from | 20,000 | to | 25,000 |
| 2 | from | 25,000 | to | 30,000 |
| 0 | from | 35,000 | to | 40,000 |
| 1 | from | 40,000 | to | 45,000 |
| 0 | from | 45,000 | to | 50,000 |
| 3 | from | 50,000 | and | upwards. |

Whole number of debtors 657.

TABLE *showing the aggregate amount due to, and from, the Bank of Kentucky and Branches, on the first day of each month, from the* 1st *January,* 1838, *to* 1st *December,* 1838, *as appears by the books of the principal Bank.*

| Amount due to the Bank of Kentucky and Branches. | Dolls. Cts. | Amount due from the Bank of Kentucky and Branches. | Dolls. Cts. |
|---|---|---|---|
| January 31, 1838, - | 1,128,474 27 | January 31, 1838, - | 711,207 72 |
| | | Bal. in fav. B'k Ky, - | 417,266 55 |
| | 1,128,474 27 | | 1,128,474 27 |
| February 28, 1838, - | 1,252,989 10 | February 28, 1838, - | 686,029 25 |
| | | Balance in favor of Bank of Kentucky, | 566,959 85 |
| | 1,252,989 10 | | 1,252,989 10 |
| March 31, 1838, - | 1,075,712 46 | March 31, 1838, - | 797,919 72 |
| | | Balance in favor of Bank of Kentucky, | 277,792 74 |
| | 1,075,712 46 | | 1,075,712 46 |

TABLE, &c.—Continued.

| Amount due to the Bank of Kentucky and Branches. | Dolls. Cts. | Amount due from the Bank of Kentucky and Branches. | Dolls. Cts. |
|---|---|---|---|
| April 30, 1838, - | 927,598 69 | April 30, 1838, - | 693,997 93 |
| | | Balance in favor of Bank of Kentucky, | 233,600 76 |
| | 927,59 69 | | 927,598 69 |
| May 31, 1838, - | 1,087,855 23 | May 31, 1838, - | 617,011 56 |
| | | Balance in favor of Bank of Kentucky, | 470,843 67 |
| | 1,087,855 23 | | 1,087,855 23 |
| June 30, 1838, - | 1,078,084 94 | June 30, 1838, - | 436,930 26 |
| | | Balance in favor of Bank of Kentucky, | 641,154 68 |
| | 1,078,084 94 | | 1,078,084 94 |
| July 31, 1838, - | 1,048,572 07 | July 31, 1838, - | 340,347 19 |
| | | Balance in favor of Bank of Kentucky, | 708,224 88 |
| | 1,048,572 07 | | 1,048,572 07 |
| August 31, 1838, - | 1,009,839 81 | August 31, 1838, - | 334,954 96 |
| | | Balance in favor of Bank of Kentucky, | 674,884 85 |
| | 1,009,839 81 | | 1,009,839 81 |
| September 30, 1838, | 773,822 75 | September 30, 1838, | 357,372 63 |
| | | Balance in favor of Bank of Kentucky, | 416,450 12 |
| | 773,822 75 | | 773,822 75 |

TABLE, &c.—Continued.

| Amount due to the Bank of Kentucky and Branches. | Dolls. Cts. | Amount due from the Bank of Kentucky and Branches. | Dolls. Cts. |
|---|---|---|---|
| October 31, 1838, - | 855,468 77 | October 31, 1838, - | 605,977 21 |
| | | Balance in favor of Bank of Kentucky, | 249,491 56 |
| | 855,468 77 | | 855,468 77 |
| November 30, 1838, | 656,021 37 | November 30, 1838, | 550,656 15 |
| | | Balance in favor of Bank of Kentucky, | 105,365 22 |
| | 656,021 37 | | 656,021 37 |

STATEMENT *showing the Balances due by the Branches of the Bank of Kentucky to the Principal Bank, at Louisville, and by the Principal Bank to the Braaches, on the last day of each month, from* 1*st January*, 1838, *to the* 1*st of December*, 1838, *as appear by the books of the Principal Bank.*

| Balc's due by Branches to Principal Bank. | Dolls. Cts. | Balances due by Principal Bank to Branches. | Dolls. Cts. |
|---|---|---|---|
| January 31, 1838. | | January 31, 1838. | |
| Due by— | | Due to— | |
| Frankfort Branch, | 122,837 69 | Hopkinsville Br. - | 3,631 02 |
| Lexington do. - | 88,280 51 | Balance in favor of | |
| Maysville do. - | 60,728 75 | Principal Bank, - | 429,040 14 |
| Greensburg do. - | 88,663 32 | - | |
| Bowlinggreen do. | 37,359 61 | - | |
| Danville do. - | 34,801 28 | - | |
| | | - | |
| | 432,671 16 | - - - - - | 432,671 16 |

STATEMENT SHOWING THE BALANCES, &c.—Continued.

| Bal'ces due by Branches to Principal Bank. | Dolls. Cts. | Balances due by Principal Bank to Branches. | Dolls. Cts. |
|---|---|---|---|
| February 28, 1838. | | February 28, 1838. | |
| Due by— | | Due to— | |
| Frankfort Branch, | 87,999 78 | Hopkinsville Br. - | 13,205 86 |
| Lexington do - | 81,203 26 | Balance in favor of | |
| Maysville do - | 59,249 70 | Principal Bank, - | 349,778 24 |
| Greensburg do - | 89,504 28 | - | |
| Bowlinggreen do - | 24,573 18 | - | |
| Danville do - | 20,453 90 | - | |
| | 362,984 10 | - - - - - | 362,984 10 |
| March 31, 1838. | | March 31, 1838. | |
| Due by— | | Due to— | |
| Frankfort Franch, | 149,486 61 | Hopkinsville Br. - | 8,904 75 |
| Maysville do - | 43,421 06 | Lexington Br. - | 43,769 10 |
| Greensburg do - | 90,284 06 | Danville Br. - | 24,303 22 |
| Bowlinggreen do - | 41,979 10 | Balance in favor of | |
| | | Principal Bank, - | 248,193 76 |
| | 325,170 83 | | 325,170 83 |
| April 30, 1838. | | April 30, 1838. | |
| Due by— | | Due to— | |
| Frankfort Branch, | 159,035 87 | Hopkinsville Br. - | 8,398 57 |
| Maysville do - | 32,330 72 | Lexington Br. - | 66,299 60 |
| Greensburg do - | 62,329 46 | Danville Br. - | 31,543 69 |
| Bowlinggreen do - | 39,997 28 | Balance in favor of | |
| | | Principal Bank, - | 187,451 47 |
| | 293,693 33 | | 293,693 33 |

STATEMENT SHOWING THE BALANCES, &c.—Continued.

| Balances due by Branches to Principal Bank. | Dolls. Cts. | Balances due by Principal Bank to Branches. | Dolls. Cts. |
|---|---|---|---|
| May 31, 1838. | | May 31, 1838. | |
| Due by— | | Due to— | |
| Frankfort Branch, | 156,485 47 | Hopkinsvile Branch, | 19,372 23 |
| Maysville Branch, | 13,177 41 | Lexington Branch, | 71,418 26 |
| Greensburg Branch, | 64,410 92 | Danville Branch, | 13,259 05 |
| Bowlinggreen do. | 51,055 58 | Balance in favor of Principal Bank, | 181,079 84 |
| | 285,129 38 | | 285,129 38 |
| June 30, 1838. | | June 30, 1838. | |
| Due by— | | Due to— | |
| Frankfort Branch, | 101,789 85 | Hopkinsville Branch, | 16,559 92 |
| Maysville Branch, | 14,260 57 | Lexington Branch, | 46,514 54 |
| Greensburg Branch, | 62,226 43 | Danville Branch, | 27,121 12 |
| Bowlinggreen do. | 28,398 87 | Balance in favor of Principal Bank, | 126,480 14 |
| | 216,675 72 | | 216,675 72 |
| July 31, 1838. | | July 31, 1838. | |
| Due by— | | Due to— | |
| Maysville Branch, | 48,229 25 | Hopkinsville Branch, | 3,732 53 |
| Greensburg Branch, | 60,812 00 | Lexington Branch, | 39,644 40 |
| Frankfort Branch, | 19,750 80 | Danville Branch, | 28,162 12 |
| | | Bowlinggreen do. | 190 58 |
| | | Balance in favor of Principal Bank, | 57,062 42 |
| | 128,792 05 | | 128,792 05 |
| Agust 31, 1838. | | August 31, 1838. | |
| Due by | | Due to— | |
| Maysville Branch, | 55,327 66 | Lexington Branch, | 50,770 73 |
| Greensburg Branch, | 60,799 97 | Danville Branch, | 51,578 14 |
| Frankfort Branch, | 15,503 61 | Bowlinggreen do. | 888 67 |
| | | Hopkinsville Branch, | 6,473 14 |
| | | Balance in favor of Principal Bank, | 21,920 56 |
| | 131,631 24 | | 131,631 24 |

STATEMENT SHOWING THE BALANCES, &c.—Continued.

| Balances due by Branches to Principal Bank. | Dolls. Cts. | Balances due by Principal Bank to Branches. | Dolls. Cts. |
|---|---|---|---|
| September 30, 1838. | | September 30, 1838. | |
| Due by— | | Due to— | |
| Maysville Branch, | 50,900 37 | Lexington Branch, | 11,846 22 |
| Greensburg Branch, | 29,128 19 | Danville Branch, | 69,481 51 |
| Bowlinggreen do. | 4,051 20 | Hopkinsville do. | 12,795 71 |
| Frankfort Branch, | 15,806 08 | Balance in favor of Principal Bank, | 5,762 40 |
| | 99,885 84 | | 99,885 84 |
| October 31, 1838. | | October 31, 1838. | |
| Due by— | | Due to— | |
| Maysville Branch, | 35,306 27 | Danville Branch, | 46,097 39 |
| Greensburg Branch, | 24,514 66 | Hopkinsville do. | 12,420 06 |
| Frankfort Branch, | 97,682 88 | Balance in favor of Principal Bank, | 134,598 72 |
| Lexington Branch, | 29,395 15 | | |
| Bowlinggreen do. | 6,217 21 | | |
| | 193,116 17 | | 193,116 17 |
| November 30, 1838. | | November 30, 1838. | |
| Due by— | | Due to— | |
| Maysville Branch, | 39,582 93 | Bowlinggreen Br. | 39,117 41 |
| Greensburg Branch, | 18,911 50 | Hopkinsville do. | 14,500 86 |
| Frankfort Branch, | 108,058 01 | Balance in favor of Principal Bank, | 169,888 95 |
| Lexington Branch, | 52,003 96 | | |
| Danville Banch, | 4,950 82 | | |
| | 223,507 22 | | 223,507 22 |

## FRANKFORT BRANCH BANK OF KENTUCKY.

BRANCH BANK OF KENTUCKY,
*Frankfort, Jan.* 1, 1839.

The following Answers are respectfully given to the interrogatories propounded to the officers of this Branch by the Joint Committee of the Senate and House of Representatives:

QUESTION 1.—Has the business of your Branch been transacted on good and safe sureties?

ANSWER.—We believe that the business of this Branch has been transacted on good and safe sureties.

QUESTION 2.—What amount of bad debt have you made since you went into operation, and what amount of bad debt has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—We know of no bad debts made at this Bank since we have commenced operation, and nothing has been charged to account of profit and loss, as a loss, during the year.

QUESTION 3.—What amount of debt due your Branch are considered doubtful?

ANSWER.—We know of no debt due this Branch that we consider doubtful.

QUESTION. 4.—If you have any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER.—We have but a few debts at this office that could be considered as deferred debts, and with only one exception the terms upon which said debts were deferred have been complied with, and that one, in part.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER.—We have never refused a loan at this office upon a note that we know of, and then discounted a Bill of Exchange for the same parties, for the sake of Exchange: on the contrary, we know that we have granted loans upon notes, where both notes and Bills of Exchange were tendered by the same parties, when we suspected it was what we call "Race Horse Bills."

QUESTION 6.—Has your Branch purchased Bills of Exchange, and taken off the interest and exchange with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—No such agreement or understanding were ever made at this office.

QUESTION 7.—Has your Branch discounted notes or Bills with an understanding, that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—*Never.*

QUESTION 8.—Has your Bank ever taken a greater rate of interest than one per cent. for ever sixty days?

ANSWER.—We have never intentionally, nor do we know of any case where it has occurred. We always take our discounts agreeable to Rowlett's table of interest.

QUESTION. 9.—Has your Bank extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and Bills offered from such other counties were equally good?

ANSWER.—We have no recollection of the question being made at our Board, upon giving discounts to our own citizens in preference to those of the adjacent counties, when notes or bills offered were considered equally good. We have frequently refused discounts to individuals living more convenient to other Banks, because it has rarely occurred, that we have not had greater applications for discounts, at the weekly meetings of the Directors at this Bank than we could prudently accommodate, and we, therefore, have deemed it more prudent to confine our business to our own neighborhood, where we have a better opportunity of looking to the security of the loans.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and this aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER.—The following exhibits the aggregate amount due this office on the discount line, from the citizens of the following counties, viz:

| | |
|---|---|
| To the citizens of Frankfort, - - - | $127,454 03 |
| To the citizens of Franklin county, - - - | 114,678 82 |
| To the citizens of Fayette county, - - - | 12,840 48 |
| To the citizens of Scott county, - - - | 54,317 28 |
| To the citizens of Wooford county, - - - | 62,682 29 |
| To the citizens of Shelby county, - - - | 58,610 30 |
| To the citizens of Anderson county, - - - | 10,984 00 |
| To the citizens of Owen county, - - - | 14,297 52 |
| To the citizens of Spencer county, - - - | 5,293 87 |
| To the citizens of McCracken county, - - | 150 00 |
| To the citizens of Jefferson county, - - - | 6,100 00 |
| To the citizens of Mason county, - - - | 1,400 00 |
| To the citizens of Mercer county, - - - | 3,700 00 |
| To the citizens of Boone county, - - - | 1,315 47 |
| To the citizens of Henry county, - - - | 6,850 00 |
| To the citizens of Hardin county, - - - | 100 00 |
| To the citizens of Harrison county, - - - | 1,000 00 |
| To the citizens of Gallatin county, - - - | 1,700 00 |
| To the citizens of Nelson county, - - - | 400 00 |
| To the citizens of Warren county, - - - | 173 33 |
| Total notes under discount 31st December, 1838, - | 484,047 39 |

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, why it was omitted? say

ANSWER.—The cash account of the Cashier of this Bank, has been examined three times during the year, the cash counted, but not at regular intervals, in consequence of an oversight in not appointing committees for that purpose at the time specified; the bonds have been regularly submitted to the Board for their approval.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—The suspended debt due this office has had all proper attention by its officers.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER.—The President and Directors have paid the same calls required of them, as other debtors to the Bank.

A. S. PARKER,
LEANDER J. SHARP,
E'MD H. TAYLOR,
} Committee.

STATE OF KENTUCKY, *Franklin county, Sct*:

This day, personally, appeared before the subscriber, a Justice of the Peace, for the county aforesaid, A. S. Parker, L. J. Sharp, and Edmund H. Taylor, and severally made oath that the foregoing answers, to the several interrogatories preceding them, are, to the best of their kowledge and belief, correct and true.

Given under my hand this 9th day of January, 1839,

H. WINGATE, J. P.

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## LEXINGTON BRANCH BANK OF KENTUCKY.

Questions put to the Lexington branch of the Bank of Kentucky, on the 17th day of December, 1838, by the Joint Committee of the Senate and House of Representatives of the Commonwealth of Kentucky.

QUESTION 1. Has the business of your branch been transacted on good and safe securities?

ANSWER. The business of the branch has been transacted on good and safe securities, with the exception of the amount mentioned in the answer to question 3.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. No debt made at this branch since it went into operation, has been considered certainly lost, therefore none has been carried to the ac-

count of profit and loss, nor has any other sum been carried to the debit of that account, save the current expenses of the Bank.

QUESTION 3. What amount of debts due your branch is considered doubtful?

ANSWER. The amount of debts due to the branch, considered doubtful, is $6,052 79, about one half of which will probably be lost.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms on which they were deferred?

ANSWER. There is but one deferred debt, and that has not reached maturity, its amount is only $1,032.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest?

ANSWER. In no instance has the branch refused to loan to an individual on a note, and purchased of the same individual a bill of exchange, for the sake of the exchange over and above the interest; but there have been instances where the Bank has refused to purchase bills of exchange, from the belief that such bills were what is commonly called "race horse bills," and loaned, to the same individuals, money on their notes.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the branch, at maturity?

ANSWER. There has been no such transaction at this branch.

QUESTION 7. Has your branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER. No note or bill has ever been discounted with such an understanding.

QUESTION 8. Has your branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER. This branch has always taken interest "in conformity with Rowlett's Tables of Discount and Interest."

QUESTION 9. Has your branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, where the notes or bills offered, from such other counties, were equally good?

ANSWER. This branch has not.

QUESTION 10. Can you state and exhibit the aggregate amount loaned to the citizens of your town and county, and the aggregate amount of loans to citizens of other counties to which you have made loans?

ANSWER. See table A, signed by the Cashier.

QUESTION 11. Has your branch regularly counted the cash and examined the bonds of the officers, as required by your charter, and if not, say why it was omitted?

ANSWER. The President and Directors have regularly counted the cash, and examined the bonds of the officers, as required by the charter.

QUESTION 12. Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. The suspended debt, as reported, consists of notes and bills of exchange, in suit, which have, it is believed, received the faithful attention of the attornies in whose hands they have been placed for collection. Notes passed maturity have been permitted, in some instances, to lie over longer than they should, but it is not known that the strength of any such note has been weakened by not having suit instituted thereon more promptly.

QUESTION 13. Has your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required by other debtors?

ANSWER. They have.

QUESTION 14. You will answer the resolution of the Legislature of 1836–'7, (see acts of that session,) and so far as the answer to that resolution may contain the answers to the foregoing questions, you can refer to it in your reply to the within questions.

ANSWER. The resolution, of the Legislature, of 1836–'7 directs:

1. That the committee shall examine the condition of the Bank.
2. Nhe amount of loans in the aggregate, and the proportion to the country, and cities, and towns.
3. The amount loaned to the Directors, and their liabilities on bills of exchange.
4. The several amounts the fifty highest debtors owe in the cities.

In reply to the first branch of this resolution, reference is made to statement marked B signed by the cashier; to the second, reference is made to table A, as the answer to question 10; to the third, that the amount loaned to the Directors, individually and in connection with their partners in business, is $30,991 48, and that the amount of their liabilities on bills of exchange is $16,513 91; and, as to the fourth branch of the resolution, the amount loaned to the fifty highest debtors, in the city of Lexington, is $166,390 17, and that there are not fifty debtors in any other city.

R. S. TODD, *Pres't.*
WM. M. BRAND, } *Directors.*
WILL. H. RAMEY, }
WILL. S. WALLER, *Cashier.*

TABLE A,

*Showing the amount loaned to the citizens of Lexington, and Fayette county, and the amount to citizens of other counties, by the Lexington branch Bank, December 1st, 1838.*

| | | | |
|---|---|---|---|
| To the city of Lexington, | $209,909 60 | Mercer, | $ 3,488 71 |
| County of Fayette, | 69,773 31 | Greenup, | 3,949 25 |
| Scott, | 81,852 03 | Mason, | 3,550 00 |
| Woodford, | 42,239 03 | Estill, | 2,607 24 |
| Bourbon, | 30,463 85 | Clay, | 1,700 00 |
| Jefferson, | 24,401 50 | Lincoln, | 1,356 74 |
| Jessamine, | 22,481 46 | Anderson, | 1,370 79 |
| Bath, | 14,840 00 | Pendleton, | 850 00 |
| Montgomery, | 11,179 12 | Barren, | 700 00 |
| Fleming, | 5,175 00 | Grant, | 600 00 |
| Franklin, | 9,557 88 | Boone, | 500 00 |
| Clarke, | 9,540 70 | Garrard, | 450 00 |
| Gallatin, | 8,900 00 | Wayne, | 350 00 |
| Madison, | 7,530 14 | Without the State, | 7,486 47 |
| Harrison, | 5,745 94 | | |
| Owen, | 5,150 00 | Aggregate amount, | $587,698 76 |

WILL. S. WALLER, *Cashier.*

LEXINGTON BRANCH BANK, *December* 18, 1838.

B.

*State of the Lexington Branch Bank, December 1st,* 1838.

| | | | CR. |
|---|---|---|---|
| Bills discounted, | | | $587,698 76 |
| Bills of exchange, | | | 499,692 26 |
| Suspended debt, | | | 16,029 87 |
| Real Estate, | | | 20,212 41 |
| Expenses, | | | 3,041 06 |
| Due from other Banks, | | | 98,515 17 |
| Cash on hand, viz:— | | | |
| In notes of the principal Bank and branches, | $17,580 00 | | |
| do. Northern Bank of Kentucky, | 1,927 79 | | |
| do. Bank of the United States, | 6,150 00 | | |
| do. Banks of Ohio, &c. | 12,280 00 | | |
| do, City of Lexington, | 633 27 | | |
| Gold, | 28,922 13 | | |
| Silver, | 85,797 16 | | 153,290 35 |
| | | | $1,378,479 88 |

| | DR. |
|---|---|
| Principal Bank for Stock, | $650,000 00 |
| do. account current, | 57,514 95 |
| Notes in circulation, | 416,395 00 |
| Premiums, | 23,215 90 |
| Discounts, | 14,043 00 |
| Dividends, | 206 35 |
| Due to other Banks, | 37,349 28 |
| do. individual depositors, | 179,755 40 |
| | $1,378,479 88 |

WILL. S. WALLER, *Cashier.*

LEXINGTON BRANCH BANK, *December 18th*, 1838.

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## MAYSVILLE BRANCH BANK OF KENTUCKY.

The questions put to the Branches of the Bank Kentucky by the Committees of the Senate and House of Representatives, are respectfully responded to by the Maysville Branch as follows, viz:

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER—By the Board of Directors. The business of this Branch has been transacted on good and safe securities.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER—By the Board of Directors. The amount of bad debts is $975, and the Cashier replies to the second branch of the inquiry—That no debt has been carried to account of profit and loss; the expenses of the Branch alone have been carried semi-annually to that account.

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER—By the Board of Directors. Upon a review of the list of debts due this Branch, the Board of Directors consider that the ultimate payment of $2,900 may be deemed doubtful.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER—By the Board of Directors. We have no deferred debts.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused, by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER—By the Board of Directors. In discounting notes and bills that have been offered to this Branch, its directors have always been controlled by what they concieved to be the interest of the Bank and its customers, but in no instance have they extracted bills of exchange for the purpose of exacting a higher rate of interest.

QUESTION 6.—Has your Branch purchased Bills Exchange and taken off the interest and exchange, with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER—By the Board of Directors and Cashier. Never.

QUESTION 7.—Has your Board discounted notes and bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER—By the Board of Directors. Never.

QUESTION 8.—Has your Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER—By the Cashier. It has not.

QUESTION 9.—Has your Bank extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER—By the Board of Directors. In making loans, we have endeavored to disseminate our accommodations in proportion to the demands, paying due regard to the goodness of the paper, and the contiguity of the applicants to other Banks.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER—By the Board of Directors. We can.

QUESTION 11.—Has your Branch regularly counted the cash and examined the bonds of the officers as required by your charter? and if not, say why it was omitted?

ANSWER—By the Board of Directors. The cash has not been regularly counted, as required by the charter; it has been twice ommitted through inadvertance. It was counted the end of the last quarter.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER—By the Board of Directors. It has.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same manner, and at the same rate, as required of the other debtors?

ANSWER—By the Cashier. No specific calls have been made on the accommodation paper of the President and Directors. Their business paper has been always paid at maturity. No *pro rata* calls have ever yet been made on the accommodations due this Branch.

THE COMMONWEALH OF KENTUCKY, *Mason County*, } s. s.

A. M. January, Richard Henry Lee, and John M. Morton, made oath before me, a Justice of the Peace for said county, that the foregoing an-

swers, as made by the Board of Directors of the Maysville Branch of the Bank of Kentucky, are true to the best of their knowledge. And Robert Taylor made oath, that such of said answers as are made by the Cashier, are true, to the best of his Knowledge.

Given under my hand this 5th day of January, 1839.

L. COLLINS, J. P.

MAYSVILLE BRANCH BANK KY.

At a meeting of the Board of Directors, 19th Dec., 1838, it was—

*Resolved*, That the questions put by the Committees of the Senate and House of Representatives, to the Branches of the Bank of Kentucky, be referred to a committee of the President, Messrs. Lee and Morton, and to the Cashier.

And at a meeting of the Board on the first day of January, 1839, Mr. Lee, from the committee, reported—

That the foregoing responses of the Board and Cashier, made separately, to such of the questions as seemed to the Committee proper to be answered separately, by the Board, and such as required a separate answer of the Cashier.

Whereupon, the answers reported by the committee, was approved of by the Board.

[Extract from the minutes.]

ROB. TAYLOR, *Cashier.*

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## DANVILLE BRANCH BANK OF KENTUCKY.

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BRANCH OF THE BANK OF KENTUCKY,
*Danville, January* 1, 1839.

Answers to Questions propounded to this Branch by the Joint Committe of the Senate and House of Representatives of the Commonwealth of Kentucky:

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER.—It has.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debt bas been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—We have in this Branch no bad debts, consequently none such carried to the account of profit and loss.

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER.—We regard none of the debts due this Branch at all doubtful.

QUESTION 4.—If you had any deferred debts have they been reduced in accordance with the terms upon which they were deferred?

Answer.—We have in this Branch only one deferred debt of $160, which will no doubt be promptly met when due.

Question 5.—Has your Branch when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

Answer.—This Branch, under the belief of its Directory that one of the main objects and purposes in its establishment, at its present location, was the extension of accommodation to the stock drovers, to enable them to carry their stock to market, has, from the latter part of August last to the present time, given preference to Bills of Exchange drawn by drovers, when the proceeds of such bills, so far as could be learned, were intended for the transport of stock to market—this furnishing us an additional means of obtaining Eastern Exchange, had, also, material weight in inducing this Branch to give preference to bills of the above description; and it would be probably disingenuous to say, that the prospect of greater gain had not some influence in determining this preference—but during the balance of the year, when this Branch was discounting regularly, no such preference has been ever given.

Question 6. Has your Branch purchased Bills of Exchange and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at maturity?

Answer.—No.

Question 7.—Has your Branch discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

Answer.—No.

Question 8.—Has your Branch ever taken a greater rate of interest than one per cent. for every sixty days?

Answer.—No.

Question 9.—Has your Branch extended accommodations to the citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

Answer.—This Branch has not extended accommodation to the citizens of either our town or county, in preference to the citizens of other counties, when advised that notes and bills, offered for discount were each equally good; but it has been the studied effort of this Branch to equalize bank accommodation and facility among the the surrounding and neighboring counties, having due regard to the capital, commerce, and trade, of the counties, and the goodness of the notes and bills offered for discount.

Question 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each other counties, to which you have made loans?

ANSWER.

| | | |
|---|---|---|
| To the citizens of Danville, | $15,853 00 | Debts due upon the discount line exclusively. |
| To the citizens of Mercer county, | 68,838 00 | |
| To the citizens of Lincoln county, | 42,367 00 | |
| To the citizens of Garrard county, | 23,884 00 | |
| To the citizens of Washington county, | 12,060 00 | |
| To the citizens of Pulaski county, | 5,840 00 | |
| To the citizens of Rockcastle county, | 2,372 00 | |
| To the citizens of Knox county, | 2,176 00 | |
| To the citizens of Casey county, | 1,210 00 | |
| To the citizens of Wayne, county, | 1,296 00 | |
| To the citizens of Russell county, | 510 00 | |

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

ANSWER.—The cash of this Branch has been regularly counted at the close of every month. The bond given by its only clerk, is well secured.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—It has.

QUESTION 15.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER.—Calls have not been made on the President and Directory when their accommodation did not exceed $1,000, but, in all cases, the discounts have been paid. Their average deposits have exceeded their aggregate debt.

J. BARBOUR, *President.*
T. MITCHEL, *Cashier.*
G. RICE, *Clerk.*

STATE OF KENTUCKY, *Mercer county, &c:*

This day, personally, appeared before me, M. S. Yarce, a Justice of the Peace in and for said county, James Barbour, Thomas Mitchell, Gabriel Rice, and, severally, made oath that the foregoing answers to the several interrogatories preceding them, are, to the best of their knowledge and belief, correct and true.

Given under my hand, in Danville, this 4th day of January, 1838.

M. S. YARCE, *J. P., M. C.*

## HOPKINSVILLE BRANCH BANK OF KENTUCKY.

OFFICE BANK OF KENTUCKY,
HOPKINSVILLE, *1st January*, 1839.

Answers to thirteen questions propounded to this branch Bank, in relation to her business, from the 1st January, 1838, to this day, to wit:

QUESTION 1. Has the business of your branch been transacted on good and safe security?

ANSWER. We think it has, in all cases.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. We are of opinion we have made no bad debts since we went into operation. There has been no debt carried to the account of profit and loss, and the only sums carried to said account has been discounts and exchanges accruing on notes and bills, and other exchanges, since we commenced operations.

QUESTION 3. What amount of debts due your branch are considered doubtful?

ANSWER. Upon strict examination we are of opinion that no debt due us can be considered doubtful; in this matter, however, in the uncertainty of human events, we may be mistaken, but at present we have no good reason for thinking any doubtful.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER. Strictly speaking, we have no deferred debt. There are some debts which were created in 1836, which have not been reduced as rapidly as our other debts, but they have been renewed, from time to time, on the promise of being paid when the debtors procured their funds from Mississippi and Alabama. We hope to be able to reduce these debts in a short time; they amount, in the aggregate, to some $20,000, but due from several individuals, say some seven or eight.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused by way of discount, and given it on bills of exchange for the sake of the exchange over and above the interest.

ANSWER. It has been the policy of this branch, in the fall and winter, to use the greater proportion of her funds in the purchase of bills of exchange, founded on the produce of the country, this being the season of the year when paper of this description is offered; this being known, it possibly induces some to make application, by bill, that would otherwise prefer getting it on accommodation paper; but we know of only one or two instances, since first of January, 1838, where application has been made for loan, and it having been signified to the applicant that he could be more easily accom-

modated by selling a bill; in the cases referred to, the applicants were preparing to ship cotton, pork and beef, and the inducement to treat all alike, was greater than the profit accruing to the Bank. We will further remark that, when undoubted bills are offered, founded on real transactions, (and none other are bought here) we generally give such paper the preference.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER. We have in no instance purchased bills in the manner stated in the sixth question, being strenuously scrupulous to avoid the purchase of kites or or race horse bills, and have refused all bills of that character, when believed to be such.

QUESTION 7. Has your branch discounted notes and bills with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER. We have not.

QUESTION 8. Has your branch ever taken a greater rate o interest than one per cent for every sixty days?

ANSWER. Never.

QUESTION 9. Has your branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER. We have not in any instance; but in many instances in the period named, granted loans to citizens of other counties, in preference to Christian county and Hopkinsville. Where a Bank is located it is almost impossible to prevent the citizens of the town and county getting a much larger portion of loans, than citizens of other towns and counties, especially where the amount of capital is limited, as ours is; but have endeavored, as far as in our power, within the last year, to make a more equal distribution to the neighboring counties.

QUESTION 10. Can you state and exhibit the aggregate amount loaned to citizens of your town and county and the aggregate loans to citizens of each of the other counties to which you have made loans?

ANSWER. There has been loaned to the town of Hopkinsville:

| | |
|---|---|
| On accommodation or discounts of notes, - - - | $72,339 18 |
| bills of exchange, - - - - - | 5,840 00 |
| Christian county, on discount line, - - - - | 71,546 94 |
| bills of exchange, - - - | 8,550 00 |
| Trigg county, on discount line, - - - - | 36,424 83 |
| bills of exchange, - - - - | 3,450 00 |
| Todd county, on discount line, - - - - | 27,662 80 |
| Caldwell county, on discount line, - - - - | 21,480 00 |
| bills of exchange, - - - | 10,500 00 |
| Muhlenburg county, on discount line, - - - | 13,370 00 |
| Logan county, on discount line, - - - - | 12,504 00 |
| Hopkins county, on discount line, - - - - | 12,464 00 |
| bills of exchange, - - - | 75 00 |
| Livingston county, on discount line, - - - - | 1,200 00 |
| bills of exchange, - - - | 4,000 00 |

| | | |
|---|---|---|
| Graves county, - - - - - - | | 102 00 |
| Montgomery county, Tennessee, discount line, | - - | 3,899 00 |
| bills of exchange, | - - | 5,300 00 |

NOTE.—The foregoing may not be correct to one dollar, but is so near correct, that it will show the manner in which the funds have been distributed.

QUESTION 11. Has your branch regularly counted the cash and examined the bonds of the officers, as required by your charter, and if not, say why it was omitted?

ANSWER. The cash has been regularly counted, as required by the charter, and the bonds of the officers examined.

QUESTION 12. Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. It has.

QUESTION 13. Has your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required by other debtors?

ANSWER. A portion of our members owe no debt to the Bank; of those indebted the most of them have paid calls as other debtors. There has been some departure, at times, with one or two members of the Board; and as it relates to one member, an entire failure to pay. He pledges himself to pay in future, alledging that he was not apprised of its being required, he being a new member.

REUBEN ROWLAND, *Cashier.*
JOHN H. PHELPS, *Pres't.*
STRO. J. HAWKINS,
THOS. MOORE,
A. WEBBER,
F. C. SHARP,
} *Directors.*

STATE OF KENTUCKY, *Christian county, Sct:*

This day, Reuben Rowland, cashier, John H. Phelps, president, Stro. J. Hawkins, Thos. Moore, A. Webber, and F. C. Sharp, Directors of the Hopkinsville Branch Bank, came, personally, before the subscriber, a Justice of the Peace, for said county, and made oath that the answers, made to sundry interrogatories propounded by the Committee on Banks of the Senate and House of Representatives of the Legislature of Kentucky, now in session, and hereto annexed, are true to the best of their kowledge and belief.

Given under my hand this 2d day of January, 1839,

D. S. HAYS, J. P.

## GREENSBURG BRANCH BANK OF KENTUCKY.

The undersigned, President, Directors, and Cashier, of the Greensburg Branch of the Bank of Kentucky, submit the annexed answers to the following Questions:

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER.—They have.

QTESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—There are no debts known to be bad, consequently no item of that character carried to the account of profit and loss. The items constituting that account are the amount of discount, which, for the year 1838, is, - - - - - - $9,564 34

Amount premiums on Exchange for the same time, - 2,803 58

Deducting the expenses for the same time, which is, - 2,273 39

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER.—Not exceeding four thousand dollars.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER.—There is but a small amount of deferred debt, which has been partially reduced, but not to the full extent.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused, by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER.—It has not. Bills of Exchange, however, to some extent, have often been preferred.

QUESTION 6.—Has your Branch purchased Bills Exchange and taken off the interest and exchange, with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—It has not, in any instance; nor has such a proposition ever been made.

QUESTION 7.—Has your Branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—It has not.

QUESTION 8.—Has your Bank extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER—It has not.

QUESTION 9.—Has your Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER—Interest has been taken agreeably to Rowlett's calculator, which is only considered as one per cent. for sixty days.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER.—The following may be regarded as very nearly correct, to-wit: To citizens of Greensburg, $36,626 43. Campbellsville, 2,750 00. Green county, $30,676 20. Hart, $16,536 05. Adair, $15,952 50. Cumberland, $4,240. Barren, $12,446 89. Marion, $10,100. Hardin, $7,510. Casey, $6,000. Russell, $200. Pulaski, $3,736. Wayne, $600. Knox, $2,013 11. Meade, 500. Franklin, $470. Monroe, $75. Muhlenburg, $600. Jefferson, $1,878 29. Daviess, $2,476 13; and in the State of Illinois, $700, and Missouri, $190.

QUESTION 11.—Has your Branch regularly counted the cash and examined the bonds of the officers, as required by your charter? and if not, say why it was omitted?

ANSWER.—The bonds of the officers have been regularly examined, and the cash has been counted about three times within the year—twice since June last.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—That situated in the most remote counties has not been promptly attended to by the lawyers, as was desirable.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same manner, and at the same rate, as required of the other debtors?

ANSWER.—There are only four of the Directors who are debtors, and they have paid the same rate of calls as required of other debtors.

JOHN BARRET, *President.*
J. BRUMMAL, } *Directors.*
R. L. MOORE. }
WM. D. BARRET, *Cash.*

GREENSBURG BRANCH BANK, }
*January* 1, 1839. }

THE STATE OF KENTUCKY, }
*Green County*, } s. s.

I, Wm. B. Allen, a Justice of the Peace in and for said county, and State aforesaid, hereby certify that the subscribers to the foregoing report, personally, appeared before me, and made oath that said report, or answers, to the interrogatories therein set forth, are just and true to the best of their knowledge and belief.

Given under my hand this 1st day of January, 1839.

WM. B. ALLEN, *J. P., G. C.*

## BOWLINGGREEN BRANCH OF THE BANK OF KENTUCKY.

Answers of the Bowlinggreen Branch of the Bank of Kentucky to questions propounded by the Chairman of the Bank Committees of the Senate and House of Representatives:

QUESTION 1. Has the business of your branch been transacted on good and safe securities?

ANSWER. It has, in all cases.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. Upon strict examination of all the debts discounted at this branch, not the least doubt is entertained of the perfect security of each and all of them. There has never been the first cent charged to profit and loss, on account of bad or lost debts. The items embraced in that account are current expenses of the branch, and $113 22, paid this year, (1838) for interest, at twelve per cent., under the fifth section of the charter.

QUESTION 3. What amount of debts due your branch are considered doubtful?

ANSWER. None.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms on which they were deferred?

ANSWER. There is but one debt of this character, which is regularly renewed, and ten per cent. calls paid.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest?

ANSWER. It is usual to give bills of exchange the preference, as the business of the branch can be kept in a more healthy state by so doing; but in no case has the branch refused to discount a note, and taken a bill of the same person, purely for the sake of the exchange.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the branch, at maturity?

ANSWER. No operation of this character has ever been made with this branch.

QUESTION 7. Has your branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER. No.

QUESTION 8. Has your branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER. It has not.

QUESTION 9. Has your branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, where the notes or bills offered, from such other counties, were equally good?

ANSWER. When paper known to be good has been offered to this branch from the adjoining counties, it has always had an equal chance with that offered by the citizens of Bowlinggreen, or Warren county, and no preference has been given.

QUESTION 10. Can you state and exhibit the aggregate amount loaned to the citizens of your town and county, and the aggregate amount of loans to citizens of other counties to which you have made loans?

ANSWER. The aggregate required is as follows:

| | |
|---|---|
| Bowlinggreen, | $76,313 20 |
| do, and Warren county, | 6,674 33 |
| Warren county, | 56,747 97 |
| Barren, | 3,164 00 |
| Edmonson, | 6,709 79 |
| Hart, | 2,548 00 |
| Logan, | 16,484 43 |
| Christian, | 1,372 00 |
| Simpson, | 5,945 92 |
| Muhlenburg, | 4,733 00 |
| Allen, | 7,577 53 |
| Todd, | 2,496 00 |
| Butler, | 1,157 00 |
| Ohio, | 1,440 00 |
| Hardin, | 306 00 |
| State of Mississippi, | 891 00 |
| " Tennessee, | 1,232 00 |
| " Illinois, | 328 00 |

NOTE.—The debts in the State of Mississippi, Tennessee and Illinois are secured by endorsers in this county.

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER. The bond has received the attention required by the charter, and cash counted regularly, excepting one month only, then the cashier was absent and sick; due attention has since been given by the Board of Directors.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. It has.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER. In one instance a loan was made, under peculiar circumstances, in which a member of the Board is interested, and no call required for a limited time; except this, the president and directors, in all cases, have paid their calls regularly, and at the same rates as other debtors.

RICHARD CURD, *Cashier.*

JAS. T. DONALDSON, THOS. QUIGLEY, GEO. W. HOWORTH, } *Committee of Directors.*

STATE OF KENTUCKY, *Warren county, Sct:*

This day Richard Curd, Jas. T. Donaldson, Thos. Quigley and Geo. W. Howorth, personally appeared before me, a justice of the peace for the county aforesaid, and made oath that the foregoing statements are true.

Given under my hand, this 2nd day of January, 1839.

P. DONALDSON, J. P.

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*A STATEMENT, showing the Resources and Liabilities of the Bank of Kentucky, and Branches, each month, from the 1st day of January, to the 31st day December, 1838, inclusive.*

RESOURCES.

| 1838. | Bills discounted. | Bills of exchange. | Suspended debt. |
|---|---|---|---|
| January, - - | 4,805,270 02 | 1,150,354 67 | 99,780 38 |
| February, - - | 4,817,143 67 | 1,037,638 39 | 100,096 15 |
| March, - - | 4,898,833 48 | 911,463 72 | 64,895 97 |
| April, - - | 4,907,248 02 | 892,054 18 | 66,296 31 |
| May, - - | 4,890,067 31 | 806,713 97 | 61,385 50 |
| June, - - | 4,813,043 78 | 809,779 91 | 65,637 00 |
| July, - - | 4,715,850 63 | 801,971 47 | 66,717 00 |
| August, - - | 4,699,693 68 | 861,729 13 | 65,758 45 |
| September, - - | 4,616,796 86 | 1,037,227 55 | 121,876 00 |
| October, - - | 4,650,303 66 | 1,387,122 16 | 62,587 67 |
| November, - - | 4,655,513 03 | 1,569,733 23 | 58,255 96 |
| December, - - | 4,567,110 70 | 1,785,168 19 | 61,745 16 |

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

RESOURCES.

| 1838. | Real estate. | Expenses. | Due by other banks. |
|---|---|---|---|
| January, | 55,172 78 | 5,724 14 | 1,128,474 27 |
| February, | 55,172 78 | 8,957 41 | 1,252,989 10 |
| March, | 55,311 74 | 14,534 75 | 1,075,712 46 |
| April, | 55,311 74 | 17,426 37 | 927,598 69 |
| May, | 55,311 74 | 20,139 06 | 1,087,855 23 |
| June, | 55,311 74 | – | 1,078,084 94 |
| July, | 55,311 64 | 3,294 35 | 1,048,572 07 |
| August, | 55,311 74 | 5,996 62 | 1,009,839 81 |
| September, | 55,311 74 | 10,630 64 | 773,822 75 |
| October, | 55,311 74 | 13,610 62 | 855,468 77 |
| November, | 55,311 74 | 17,412 65 | 656,021 37 |
| December, | 55,311 74 | – | 721,765 83 |

| 1838. | Specie on hand. | Notes of other Banks. | State and City Bonds. |
|---|---|---|---|
| January, | 751,126 60 | 513,654 86 | 1,540,000 |
| February, | 752,840 55 | 556,362 17 | 1,540,000 |
| March, | 762,437 32 | 336,213 59 | 1,540,000 |
| April, | 772,801 66 | 436,253 48 | 1,550,000 |
| May, | 800,295 38 | 443,239 35 | 1,675,000 |
| June, | 858,845 23 | 213,424 56 | 1,675,000 |
| July, | 865,263 51 | 418,476 43 | 1,675,000 |
| August, | 792,189 05 | 263,179 85 | 1,675,000 |
| September, | 761,472 32 | 257,900 67 | 1,675,000 |
| October, | 736,512 07 | 443,712 31 | 1,675,000 |
| November, | 679,275 75 | 395,544 07 | 1,675,000 |
| December, | 642,776 36 | 317,686 54 | 1,675,000 |

| 1838. | Bank checks unpaid. | Treasurer of the State. | Interest account. |
|---|---|---|---|
| January, | 154,435 52 | | |
| February, | 3,849 10 | | |
| March, | 40,219 28 | 4,118 15 | 20,625 00 |
| April, | 50,219 28 | 4,117 85 | 20,625 00 |
| May, | 39,039 08 | – | 20,625 00 |
| June, | 36,139 98 | – | 25,000 00 |
| July, | 13,980 98 | | |
| August, | 12,639 98 | | |
| September, | | | |
| October, | | | |
| November, | 12,423 85 | – | 13,863 22 |
| December, | 13,222 85 | 451 48 | 31,000 00 |

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

RESOURCES.

| 1838. | City of Louisville. | Certificate of de. Vicksburg | Costs of suit. |
|---|---|---|---|
| January, | | | |
| February, | | | |
| March, | | | |
| April, | | | |
| May, | | | |
| June, | 5,668 32 | | |
| July, | | | |
| August, | | | |
| September, | – | 9,389 98 | 7 75 |
| October, | – | 9,389 98 | |
| November, | | | |
| December, | – | – | 111 54 |

| 1838 | Interest p'd Bank United States. | Suspense acc't. | Total. |
|---|---|---|---|
| January, | - | - | 10,203,993 24 |
| February, | - | - | 10,125,049 32 |
| March, | - | - | 9,724,365 46 |
| April, | - | - | 9,699,952 58 |
| May, | - | - | 9,899,671 62 |
| June, | - | - | 9,635,935 46 |
| July, | - | - | 9,664,438 18 |
| August, | - | - | 9,441,338 31 |
| September, | 13,750 00 | - | 9,333,186 26 |
| October, | 13,750 00 | 766 59 | 9,903,535 57 |
| November, | - | 1,009 79 | 9,789,364 66 |
| December, | - | 1,009 79 | 9,872,360 18 |

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

| 1838 | Capital Stock. | Notes in circulation. | Individual deposits. |
|---|---|---|---|
| January, - - | 4,637,758 36 | 2,468,870 00 | 587,930 67 |
| February, - - | 4,638,708 60 | 2,519,350 00 | 618,387 79 |
| March, - - | 4,638,708 60 | 2,362,195 00 | 594,487 83 |
| April, - - | 4,638,958 60 | 2,399,922 00 | 608,092 36 |
| May, - - | 4,639,108 60 | 2,475,933 00 | 645,871 50 |
| June, - - | 4,642,608 60 | 2,639,206 00 | 658,920 55 |
| July, - - | 4,643,158 60 | 2,571,532 00 | 608,210 89 |
| August, - - | 4,643,158 60 | 2,396,498 00 | 669,951 76 |
| September, - - | 4,644,488 60 | 2,478,815 00 | 694,092 31 |
| October, - - | 4,671,895 00 | 2,758,897 00 | 673,456 65 |
| November, - - | 4,671,895 00 | 2,704,810 00 | 633,845 45 |
| December, - - | 4,679,404 00 | 2,781,812 00 | 695,450 88 |

| 1838 | Due to other Banks. | Due to Treasurer of State. | Due to Treasur'r of U. States. |
|---|---|---|---|
| January, - - | 711,207 72 | 88,076 30 | 529,820 44 |
| February, - - | 686,029 25 | 33,122 86 | 529,820 44 |
| March, - - | 797,919 72 | 22,645 86 | 529,820 44 |
| April, - - | 693,997 93 | 14,687 44 | 484,820 44 |
| May, - - | 617,011 56 | 129,455 03 | 529,820 44 |
| June, - - | 436,930 26 | 29,991 77 | 366,987 10 |
| July, - - | 340,347 19 | 27,431 04 | 530,987 14 |
| August, - - | 334,954 96 | 19,642 66 | 380,170 08 |
| September, - - | 357,372 63 | 6,462 63 | 29,663 34 |
| October, - - | 605,977 21 | 2,971 48 | 29,663 34 |
| November, - - | 550,656 15 | 4,503 03 | 27,263 34 |
| December, - - | 618,135 78 | 69,598 28 | 27,263 34 |

| 1838 | Due Commis'rs Sinking Fund. | Due Treas. Int. Improvement. | Contingent fund, and profit & loss. |
|---|---|---|---|
| January, - - | 55,129 54 | 116,784 87 | 130,558 79 |
| February, - - | 72,944 62 | 9,153 01 | 130,558 79 |
| March, - - | 1,996 85 | | 130,558 79 |
| April, - - | 23,295 41 | 8,631 26 | 130,558 79 |
| May, - - | 7,194 66 | 1,551 26 | 130,558 79 |
| June, - - | 7,194 66 | 2,387 76 | 100,000 00 |
| July. - - | 40,786 20 | 115,179 10 | 115,519 45 |
| August, - - | 40,393 20 | 140,913 18 | 115,519 45 |
| September, - - | 65,856 24 | 204,877 03 | 115,519 45 |
| October, - - | 39,628 84 | 234,114 82 | 115,519 45 |
| November, - - | 42,838 84 | 179,820 69 | 115,519 45 |
| December, - - | 9,805 22 | 245,744 84 | 100,000 00 |

STATEMENT OF BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

| 1838 | Discounts and premiums. | Bank of the U. States. | Board of education. |
|---|---|---|---|
| January, - - | 26,946 42 | 825,000 00 | |
| February, - - | 61,973 96 | 825,000 00 | |
| March, - - | 96,032 37 | 550,000 00 | |
| April, - - | 124,140 58 | 550,000 00 | 22,847 77 |
| May, - - | 150,569 01 | 550,000 00 | 22,597 77 |
| June, - - | 179,110 99 | 550,000 00 | 22,597 77 |
| July, - - | 34,460 02 | 550,000 00 | 22,597 77 |
| August, - - | 62,318 29 | 550,000 00 | 22,225 02 |
| September, - - | 98,296 03 | 550,000 00 | 22,125 02 |
| October. - - | 138,477 81 | 550,000 00 | 22,125 02 |
| November, - - | 171,064 46 | 550,000 00 | 21,975 02 |
| December, - - | 230,614 87 | 275,000 00 | 21,945 02 |

| 1838 | Dividends unclaimed. | Pn. on acc't of Int. Impr'vmnt. | District court U. States. |
|---|---|---|---|
| January, - - | 25,910 13 | | |
| February, - - | | | |
| March, - - | | | |
| April, - - | | | |
| May, - - | | | |
| June, - - | | | |
| July, - - | 64,228 78 | | |
| August, - - | 62,411 88 | 3,181 23 | |
| September, - - | 61,476 45 | 4,141 53 | |
| October, - - | 60,808 95 | | |
| November, - - | 12,918 45 | - | 2,220 00 |
| December, - - | 12,865 95 | - | 2,220 00 |

| 1838 | James Clark, Governor. | Costs of suit. | Real est. fund. | Total. |
|---|---|---|---|---|
| January, - - | - | - | - | 10,203,993 24 |
| February, - - | - | - | - | 10,125,049 32 |
| March, - - | - | - | - | 9,724,365 46 |
| April, - - | - | - | - | 9,699,952 58 |
| May, - - | - | - | - | 9,899,671 62 |
| June, - - | - | - | - | 9,635,935 46 |
| July, - - | - | - | - | 9,664,438 18 |
| August, - - | - | - | - | 9,441,338 31 |
| September, - - | - | - | - | 9,333,186 26 |
| October, - - | - | - | - | 9,903,535 57 |
| November, - - | 100,000 | 34 78 | - | 9,789,364 66 |
| December, - - | 100,000 | - | 2,500 | 9,872,360 18 |

BANK OF KENTUCKY,
*Louisville, December* 28, 1838.

GENTLEMEN:

In order to give you full and accurate information upon the subject of enquiries, required to be made by resolutions of the House of Representatives, we hand you, herewith, a tabular statement of the amount due the Treasurer of the United States from the Bank of Kentucky, at the close of each month, from 31st October, 1836, to 30th November, 1838. It does not extend as far back as required by the resolutions, the first deposite having been made in October 1836.

We also annex a statement exhibiting the respective periods at which the government deposits were made, and in what manner. These payments were made to the Bank of Kentucky at her own counter, of which a small portion was in specie, and the remainder in her own notes, or in such notes, as she was willing to renew on general deposite.

We also annex a statement exhibiting the periods, at which payments were made to the Treasurer of the United States, and to what parties.—There were made in part at the counter of the Bank, in specie, in her own notes, or in such notes as would best suit the holders of the warrants. A large part, it will be seen, was paid to the State of Kentucky by increasing the stock of the State in the capital stock of the Bank—a part was also paid at Richmond, Virginia, and the remainder in Treasury notes, and in checks on eastern Banks. This Bank has, since its creation, in the regular transaction of business, discounted for merchants and traders notes of hand or bills of exchange on various parts of the United States, arising from the exports of the State—of commission on the transfer of funds by the Bank from point to point, the means were derived from the sellers of bills of exchange. A portion of the means, by which this Bank met the debt due the Treasurer of United States, was derived by a purchase of eastern funds from the Governor of the State, arising from sales of bonds for internal Improvement.

By reference to the business of the Bank of Kentucky, prior to 15th May, 1837, and subsequent to the receipt of the public deposits, it will be seen that it was, at no time, materially increased or diminished. Its managers not knowing how long the public money would remain on deposit, could not bank on it to any great extent, and the Legislature must judge whether the amount of business was ever too high. Any discount of notes or bills, was made without reference to the public deposits.

Very respectfully,

W. H. POPE, *Pres.*
DAVID HERAN,
WM. FFLLOWES,
GEO. KEATS.

To Messrs. GUTHRIE, TRIMBLE, } *Committee.*

*The following statement exhibits the balances due to the Treasurer of the United States, from the 5th of October, 1836, when the first deposite was made, to 1838.*

| | | | |
|---|---|---|---|
| 1836. | | | |
| October | 31, | By balance, - - - - - | $204,900 00 |
| Nov. | 30, | do. - - - - - | 254,900 00 |
| Dec. | 31, | do. - - - - - | 454,970 12 |
| 1837. | | | |
| January, | 31, | do. - - - - - | 397,050 99 |
| February | 28, | do. - - - - - | 837,796 74 |
| March | 31, | do. - - - - - | 929,677 61 |
| April | 30, | do. - - - - - | 929,457 61 |
| May, | 31, | do. - - - - - | 897,378 32 |
| June, | 30, | do. - - - - - | 662,612 17 |
| July, | 31, | do. - - - - - | 701,112 17 |
| August | 31, | do. - - - - - | 676,710 91 |
| Sept. | 30, | do. - - - - - | 626,525 03 |
| Oetober | 30, | do. - - - - - | 594,658 51 |
| Nov. | 30, | do. - - - - - | 555,980 55 |
| Dec. | 31, | do. - - - - - | 536,459 78 |
| 1838. | | | |
| January | 31, | do. - - - - - | 529,820 44 |
| February | 28, | do. - - - - - | 529,820 44 |
| March | 31, | do. - - - - - | 529,820 44 |
| April | 30, | do. - - - - - | 529,820 44 |
| May | 31, | do. - - - - - | 529,820 44 |
| June | 30, | do. - - - - - | 513,820 44 |
| July | 31, | do. - - - - - | 530,987 14 |
| August | 31, | do. - - - - - | 380,170 08 |
| Sept. | 30, | do. - - - - - | 29,663 34 |
| Oct. | 31, | do. - - - - - | 29,663 34 |
| Nov. | 30, | do. - - - - - | 27,263 34 |

*The following statement exhibits the respective periods at which the government deposites were made, and in what manner.*

| | | | |
|---|---|---|---|
| 1836. | | | |
| October | 5, | Deposited by T. A. Howard, District Attorney for Indiana, - - - - | $ 4,900 00 |
| | 21 | Deposited by transfer draft on branch of Northern Bank at Louisville, - - - | 100,000 00 |
| | 27, | Deposited by transfer draft on branch of Northern Bank at Louisville, - - - | 100,000 00 |
| Amount carried forward | | | $204,900 00 |

| | | | |
|---|---|---|---|
| Amount brought forward, - - - - - | | | $204,900 00 |
| Nov. | 19, | Deposited by transfer warrant on State Bank of Indiana at Richmond, - - - | 50,000 00 |
| Dec. | 15, | Deposited by transfer warrant on State Bank of Indiana at Indianapolis, - - | 100,000 00 |
| | 17, | Deposited by E. S. Camp, Surveyor of the Port of Louisville, - - - - | 70 12 |
| | 21, | Deposited by transfer warrant on branch of Northern Bank at Louisville, - - | 100,000 00 |
| | 1837. | | |
| January | 5, | Deposited by transfer warrant on branch of Northern Bank at Louisville, - - | 100,000 00 |
| February | 3, | Deposited by transfer warrant on State Bank of Indiana at Madison, - - - | 100,000 00 |
| | | Deposited by transfer draft on Louisville Savings Institution, - - - - | 20,000 00 |
| | | Deposited by transfer draft on same, - - | 20,000 00 |
| | 7, | Deposited by E. S. Camp, Surveyor of the Port of Louisville, - - - - | 745 75 |
| | 10, | Deposited by transfer draft on branch of Northern Bank at Louisville, - - | 100,000 00 |
| | 15, | Deposited by transfer draft on Commercial Bank of Cincinnati, - - - | 50,000 00 |
| | | Deposited by transfer draft on same, - | 50,000 00 |
| | | Do. do. do. - | 50,000 00 |
| | | Do. do. do. - | 50,000 00 |
| March | 1, | Deposited by transfer draft on branch of Northern Bank at Louisville, - - - | 100,000 00 |
| | 25, | Deposited by transfer draft on State Bank of Indiana at New Albany, - - - | 100,000 00 |
| | 16, | Deposited by transfer draft on branch of Northern Bank at Louisville, - - - | 50,000 00 |
| April | 13, | Deposited by transfer draft on branch of Northern Bank at Louisville, - - - | 100,000 00 |
| | 15, | Deposited by transfer draft on State Bank of Indiana at Lawrenceburg, - - | 100,000 00 |
| May | 11, | Deposited by D. Thomas, Receiver of Public Monies at Helena, - - - | 1,740 71 |
| June | 8, | Deposited by E. S. Camp, Surveyor of the Port of Louisville, - - - | 2,301 14 |
| | 28, | Deposited by transfer draft on Commercial Bank of Cincinnati, - - - | 100,000 00 |
| July | 29, | Deposited by transfer warrant on same, - | 100,000 00 |
| August | 29, | do. do. do. - | 100,000 00 |
| Sept. | 22, | Deposited by E. S. Camp, Surveyor of the Port of Louisville, - - - | 1,681 12 |
| | 1838. | | |
| June | 30, | By interest on public deposit, from 19 December, 1837, to 1 July, 1838, - - | 17,166 70 |
| | | | $1,768,605 54 |

| | |
|---|---|
| Whole amount of Deposits by Government, - - | $1,768,605 54 |
| Amount of payments, - - - - - | 1,741,342 20 |
| Balance due the Treasury of the United States, - - | $27,263 34 |

RECAPITULATION OF DEPOSITES.

| | |
|---|---|
| By transfer of drafts on Northern Bank at Louisville - | $750,000 00 |
| On State Bank of Indiana, - - - - - | 450,000 00 |
| On Commercial Bank of Cincinnati, - - - | 500,000 00 |
| From Disirict Attorney, - - - - - | 4,900 00 |
| Surveyor of Port of Louisville, - - - - | 4,798 13 |
| Receiver at Helena, - - - - - | 1,740 71 |
| Amount per interest, - - - - - | 17,166 70 |
| Louisville Savings Institution, - - - - | 40,000 00 |
| | $1,768,605 54 |

*The following statement exhibits the periods at which payments were made to the Government, and upon what authority,*

| | | | |
|---|---|---|---|
| 1837. | | | |
| January | 28, | Paid on Treasury Draft, in favor of the State of Kentucky, - - - - | $157,919 13 |
| March | 31, | Paid on Treasury Drafts to the State of Kentucky, - - - - - | 157,919 13 |
| | | Paid to G. W. Andrews, Captain of 6th Infantry, - - - - - | 200 00 |
| April | 7, | Paid to Alexander Moore, on Treasury Drafts, | 20 00 |
| | 14, | Paid Capt L. Ford, on Treasury Draft, - | 200 00 |
| | 20, | Paid to Planters Bank of Tennessee, on Treasury Draft, - - - - - | 100,000 00 |
| | | Paid to the same, on Treasury Draft, - - | 100,000 00 |
| | | Paid to Capt. Jacob Brown, agent of Indian Department, on Treasury Draft, - - | 21,320 00 |
| May | 17, | Paid Capt. W. M'Knight, agent of Engineer Department, on Treasury Warrant, - | 12,500 00 |
| | 31, | Paid Elias Rector, Marshal of District of Arkansas, on Treasury Draft, - - | 1,000 00 |
| June | 9, | Paid to same, on Treasury Draft, - - | 1,000 00 |
| | | Do. do. do. - - | 1,000 00 |
| | 13, | Paid L. Parks & Co., on Treasury Draft, - | 148 16 |
| | 19, | Paid H. M. Shreve, on Treasury Draft, - | 11,000 00 |
| | | Paid to same, on Treasury Draft, - - | 12,000 00 |
| | 20, | Paid on Treasury Draft, to State of Kentucky, | 277,919 13 |
| Amount carried forward, - - - - - | | | $854,145 55 |

| | | | |
|---|---|---|---|
| Amount brought forward, | | | $854,145 55 |
| June | 27, | Paid on Treasury Draft, to Treasurer of the State of Arkansas, | 33,000 00 |
| July | 10, | Paid on Treasury Draft, to Governor, Comptroller and Treasurer of Tennessee, | 37,500 00 |
| | 17, | Paid H. M. Shreve, on Treasury Draft, | 14,000 00 |
| | 19, | Paid Capt. J. G. Taylor, on Treasury Draft, | 10 000 00 |
| August | 3, | Paid to Bank of Virginia, on Treasury Draft, | 100,000 00 |
| | 21, | Paid A. J. Philips, on Treasury Draft, | 6,000 00 |
| | | Paid H. M. Shreve, on Treasury Draft, | 2,500 00 |
| | | Paid same, on Treasury Draft, | 10,000 00 |
| August | 22, | Paid A. J. Philips, on Treasury Warrants, | 3,000 00 |
| | 25, | Paid H. M. Shreve, on Treasury Draft, | 2,901 26 |
| Sept. | 1, | Paid A. J. Philips, on Treasury Draft, | 500 00 |
| | 4, | Paid Capt. J. P. Taylor, on Treasury Draft, | 13,000 00 |
| | 6, | Paid John J. Green, Treasury Draft, | 887 00 |
| | 7, | Paid W. Carter, on Treasury Draft, | 10,000 00 |
| | 8, | Paid Benedict & Carter, on Treasury Draft, | 5,000 00 |
| | 15, | Paid W. M'Knight, on Treasury Draft, | 4,250 00 |
| | 27, | Paid H. M. Shreve, on Treasury Draft, | 18,030 00 |
| | | Paid Capt. St. Clair Denney, on Treasury Draft, | 200 00 |
| October, | 2, | Paid Taylor and Kerny, on Treasury Draft, | 20 00 |
| | | Paid R. B. McAfee, on Treasury Draft, | 1,471 52 |
| | 14, | Paid A. A. Massias, on Treasury Draft, | 30,000 00 |
| | 21, | Paid T. B. Monroe, on Treasury Draft, | 375 00 |
| Nov. | 4, | Paid Lewis Sanders, on Treasury Draft, | 50 00 |
| | 10, | Paid F. Taylor, on Treasury Draft, | 23,000 00 |
| | 17, | Paid J. M. M'Calla, on Treasury Draft, | 50 00 |
| | 22, | Paid W. Noland, on Treasury Draft, | 4,627 96 |
| | 27, | Paid F. Taylor, on Treasury Draft, | 10,950 00 |
| Dec. | 4, | Paid H. M. Shreve, on Treasury Draft, | 15,695 77 |
| | 18, | Paid H. M. Thompson, on Treasury Draft, | 3,825 00 |
| 1838. | | | |
| January | 8, | Paid L. Parks & Co., on Treasury Draft, | 42 30 |
| | 22, | Paid D. S. Niles, on Treasury Draft, | 2,607 04 |
| | | Paid A. M. Thompson, on Treasury Draft, | 1,990 00 |
| | | Paid E. Rector, on Treasury Draft, | 2,000 00 |
| June | 5, | Paid Treasurer of U. States, by check of B'k. of Kentucky on Union Bank of New York, | 16,000 00 |
| August | 7, | Paid Treasurer of U. States, in Treasury notes, | 100,000 00 |
| | | Interest on the same, | 1,508 80 |
| | 10, | Paid S. T. Cross, on Treasury Draft, | 815 00 |
| | 20, | Paid Capt J. Brown on Treasury Draft, | 30,000 00 |
| | | Paid same, on same, | 19,000 00 |
| Sempt. | 3, | Paid Treasurer of United States, by check of Bank of Kentucky, on Bank of U. States, | 300,000 00 |
| | | | $1,688,942 20 |

| | | |
|---|---|---|
| Amount brought forward, | - - - - | $1,688,942 20 |
| Sept. 3, | Paid Treasurer of U. States, by check of Bank of Kentucky, on Bank of Virginia, - - | 50,000 00 |
| November 23, | Paid W. H. Bills, on Treasury Draft, - | 2,400 00 |
| | | $1,741,342 20 |

RECAPITULATION OF PAYMENTS.

| | |
|---|---|
| On Treasury Drafts, to the State of Kentucky, | $593,757 39 |
| On Treasury Drafts, to sundry individuals, | 781,584 81 |
| By checks of Bank of Kentucky, on Bank of U. States, Bank of Virginia, and Union Bank of N. York, - - - - - - | 366,000 00 |
| | $1,741,342 20 |

# NORTHERN BANK OF KENTUCKY AND BRANCHES.

## NORTHERN BANK OF KENTUCKY.

NORTHERN BANK OF KENTUCKY.

QUESTIONS propounded to the Northern Bank of Kentucky, at Lexington, by the Joint Committee on Banks, and the answers of a Committee of the Board of Directors of said Bank:

QUESTION 1.—Has the Branches of the Northern Bank of Kentucky complied with the second and third sections of the act, approved the 16th February, 1838, "entitled, an act dispensing with quarterly, and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State," and has the Northern Bank of Kentucky complied with said sections?

ANSWER.—Those sections of the act referred to, have been complied with by the principal Bank and Branches.

QUESTION 2.—Will the reports of the Northern Bank of Kentucky, to the Secretary of State, exhibit the true condition of the Bank and Branches, at the close of each month, from the 1st of January, 1838, to 1st Janua-

ry, 1839, and if they will not, then exhibit such a statement as a part of the answer to this question?

Answer.—In our opinion they do.

Question 3.—Has the business of the Northern Bank of Kentucky, been transacted on good and safe securities?

Answer.—We think it has.

Question 4.—What amount of bad debts have you made since your Bank went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

Answer.—We have no debt so bad as to have been yet carried to the account of profit and loss. Besides the usual expenses and charges carried to the account of profit and loss, that account has been charged with $2,831 28, being 12 per cent. damages paid on demands for gold and silver during the suspension.

Question 5.—What amount of debts due your Bank are considered doubtful?

Answer.—The amount which may be considered as doubtful, is very inconsiderable. The precise sum not easily ascertained.

Question 6. Has the deferred debts in the Northern Bank of Kentucky been reduced in accordance with the terms on which they were deferred?

Answer.—They have.

Question 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, say how much, or what per cent., and if not, then say why it has been employed in exchange?

Answer.—In general, that portion of the capital employed in exchange, has been more profitable than that employed in direct loans; but the difference in profit, it is difficult, if not impossible, to calculate. In dealing in exchange, the Bank incurs risk, and the profit is always uncertain. The great inducements to deal in exchange have been to afford facilities to the exporters of live stock, and other produce of the country, to accommodate the merchants with eastern or other funds, to replenish the vaults with specie, and to keep out the circulation of foreign paper.

Question 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

Answer.—There is greater promptness in paying Bills of Exchange than in paying notes, because bills are generally drawn on property sent to market or funds in the hands of the acceptors. Notes are often discounted for accommodation merely.

Question 9.—Has the Bank, when applied to for loans of money, ever refused it by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

Answer.—For the reasons stated in the answer to the 7th question, the Bank considers it proper, both for the interest of the stockholders and community, to appropriate a certain portion of its capital to purposes of exchange, and it has frequently happened, that when the discount line was full, the Bank has declined discounting notes, while it was purchasing Bills of Exchange.

QUESTION 10.—Has the Bank purchased Bills of Exchange and taken off the interest and exchange with an understanding that the bills were not to be sent for collection, but to be retained and paid at the Bank at maturity?

ANSWER.—In no instance.

QUESTION 11.—Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—Never.

QUESTION 12.—Has the Bank discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank?

ANSWER.—In no instance has the Bank dealt in depreciated Bank paper; whenever the Bank has received, or paid out, the notes of other Banks than their own, it has received and paid them at par.

QUESTION 13.—Why does your Bank charge one half of one per cent. exchange between different places in your own State?

ANSWER.—The experience of the Bank shows that 1½ per cent. on domestic bills, is not more than a fair charge for the risk and expenses of transacting the exchanges in our own State—the Bank furnishing checks on its Branches at par.

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans and other places in the South?

ANSWER.—During the suspension of specie payments in the South, this Bank had to charge on Bills of Exchange a rate sufficient to reimburse it, either in specie or Eastern funds. By a comparison of the rates of specie, or Eastern funds, in New Orleans and other places in the South, at the period at which bills were purchased, it will be found that not more than a fair rate has been charged for that end.

QUESTION 15.—Has your Bank extended accommodations to the citizens of your city and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—We believe the Bank has dealt fairly in the distribution of its loans, as will be seen by answer to question No. 16.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to citizens of Lexington, and Fayette, and the aggregate amount to citizens of other counties, separately—and if so, give the statement?

ANSWER.

| | | | |
|---|---|---|---|
| To Lexington, - | $246,196 31 | To Lincoln, - - | 3,930 00 |
| To Fayette county, | 133,518 00 | To Garrard, - - | 6,119 00 |
| To Bourbon. - | 49,385 00 | To Gallatin, - - | 3,300 00 |
| To Woodford, - | 34,136 00 | To Franklin, - - | 3,676 00 |
| To Clarke, - - | 38,733 00 | To Floyd, - - | 300 00 |
| To Scott, - - | 103,903 00 | To Shelby, - - | 1,200 00 |
| To Mercer, - - | 15,389 00 | To Fleming, - - | 8,435 00 |
| To Jessamine, - | 24,073 00 | To Henry, - - | 900 00 |
| To Montgomery, - | 7,554 00 | To Louisville, - | 22,577 00 |
| To Bath, - - | 12,012 00 | To Harrison, - - | 10,784 00 |
| To Nicholas, - - | 6,211 00 | To Whitley, - - | 1,100 00 |

| | | | | | |
|---|---|---|---|---|---|
| To Nelson, | - - | 1,250 00 | To Estill, | - - | 9,505 00 |
| To Mason, | - - | 3,050 00 | To Warren, | - - | 600 00 |
| To Boone, | - - | 6,000 00 | To Anderson, | - - | 700 00 |
| To Pulaski, | - - | 500 00 | To Spencer, | - - | 1,200 00 |
| To Clay, | - - | 1,653 00 | To Knox, | - - | 1,700 00 |
| To Greenup, | - - | 16,000 00 | Other places, | - - | 20,750 00 |
| To Green, | - - | 3,030 00 | | | |
| To Carter, | - - | 150 00 | Aggregate, | - | $799,629 31 |

Question 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank or Branches, and if so, say how long the vacancy was suffered to exist, and why?

Answer.—Whenever any vacancy has occurred either in the principal Bank, or any of the Branches, the Board has always filled it as soon as they could be informed of a fit person, who was qualified according to the charter.

Question 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

Answer.—The bonds of the different officers have been frequently exhibited to the Board, and a committee has been appointed, quarterly, to examine the Cashier's account, and have regularly made satisfactory reports. The minute counting of the cash, has been too onerous a duty for the Committee, but the examinations of the Committee, from personal inspection, has always been made, and received by the Board as satisfactory.

Question 19.—Has your suspended debt been promptly and carefully attended to by your officers?

Answer.—We believe it has.

Question 20.—You will answer the resolution of the session of 1837, (see acts of that session, 1836–'7, page 358,) and the answers to that resolution, so far as it contains answers to questions now propounded, may be referred to in your answers to the written questions?

Answer.—The semi-annual report to the Secretary of State shows the condition of this Bank and Branches. The loans to citizens of Lexington and other counties, at the close of last year, answered by the 16th question. The amount loaned to the directors, including the debt as partners, $31,675. The liabilities of Directors on Bills of Exchange, $33,113 63. The amount owing by the fifty highest debtors, in the city of Lexington, (exclusive of the corporation which owes $25,253 79,) is $184,596 37.

All which is respectfully submitted.

M. T. SCOTT, *Cashier.*

JNO. TILFORD, *Pres.*
JOHN BRANE,
R. WICKLIFFE, Jr. } *Com.*

## LOUISVILLE BRANCH OF NORTHERN BANK OF KENTUCKY.

Questions to be answered by the branch of the Northern Bank of Kentucky, at Louisville.

QUESTION 1.—Has the business of your Branch been transacted on good and safe securities?

ANSWER. It has.

QUESTION 2.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. We are not aware that any bad debts have been made by this office; none have been carried to the account of profit and loss.

QUESTION 3.—What amount of debts due your Branch are considered doubtful?

ANSWER. We do not consider any of the debts due this Branch as doubtful.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER. We had deferred debts (growing out of the late commercial embarrassments,) amounting to $131,099 20, these debts have been reduced according to agreement; they amount at present to $94,890.

QUESTION 5.—Has your Branch, when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER. We do not recollect a single instance of our rejecting an application for a discount (or loan) on a note, with the view of inducing the applicant to offer a bill of exchange. We have frequently purchased bills of exchange, on the same day that notes offered for discount have been rejected, and in several instances, perhaps, from persons whose notes have been rejected. Bills of exchange are generally more profitable to the Bank, and we prefer purchasing them, not only because they are more profitable, but because we believe it to be the interest of a larger portion of our customers and of the community, also, that we should do so. It is, also, the only means on which we can rely with any certainty, for procuring eastern exchange, which we consider equivalent to, if not better than, specie. We think this Branch for a long time past, has had much too large a proportion of its capital employed in discounted notes.

QUESTION 6.—Has your Branch purchased Bills of Exchange, and taken off the interest and exchange with an understanding that the Bills were to be retained and paid at the branch at maturity?

ANSWER. Never.

QUESTION 7.—Has your Branch discounted notes or Bills with an understanding, that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER. We have not paid out, on notes or bills discounted, any notes which we had not received on deposit, or in payment, at par.

QUESTION 8.—Has your Branch ever taken a greater rate of interest than one per cent. for ever sixty days?

ANSWER. We have not.

QUESTION. 9.—Has your Branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes and Bills offered from such other counties were equally good?

ANSWER. We are not aware that any distinction is made, when we know the applicants from other counties are equally good.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER. It is difficult to give a strictly correct answer to this question. As far as we can ascertain the amount of loans to citizens of this city and county is $492,454 45, and to citizens of other counties $56,588 90.

QUESTION 11.—Has your Branch regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

ANSWER. The cash of this branch has been regularly counted by a committee of the Board of Directors, appointed from time to time for that purpose. The bond of our Cashier is taken and kept at the Mother Bank at Lexington; the bonds of the Clerks, in this Branch, are kept by our Cashier—they have not been examined by the Board of Directors, since they were given.

QUESTION 12.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER. We believe it has.

QUESTION 15.—Have your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of the other debtors?

ANSWER. They have.

In answer to the questions contained in the resolution of the Legislature in relation to the amount loaned to the Directors of this Branch, and their liabilities on bills of exchange, and the several amounts the fifty highest debtors owe in this city, we answer that the amount loaned to the members of the Board of Directors, individually, is only $446 22; the amount of the notes discounted by this Branch, of the firms of which the President and Directors are members, is $38,565 33, a considerable portion of this amount is in notes at 90 days date, and payable at maturity. The amount of the liabilities of the firms of which the Directors are members, on bills of exchange, is $32,496 12. The several amounts the fifty highest debtors, in in the city, owe this Branch, are as follows, viz:

| | | |
|---|---|---|
| $ 6,530 | 6,913 | |
| 24,945 | 4,500 | |
| 10,000 | 7,251 | |
| 3,052 | 8,848 | |
| 10,854 | 6,362 | |
| 13,495 | 3,387 | |
| 3,488 | 4,338 | |
| 6,610 | 3,430 | |
| 5,882 | 3,240 | |
| 3,128 | 5,670 | |
| 3,078 | 5,000 | NOTE.—The four largest amounts in the annexed list, amounting to $94,890, are the debts referred to in the answer to question 4th, and secured by mortgages on real estate. |
| 6,139 | 8,000 | |
| 19,460 | 2,568 | |
| 9,048 | 3,000 | |
| 4,735 | 4,130 | |
| 3,423 | 30,595 | |
| 19,890 | 3,855 | |
| 5,916 | 2,016 | |
| 4,006 | 3,292 | |
| 4,740 | 4,353 | |
| 4,116 | 2,314 | |
| 8,095 | 4,456 | |
| 6,536 | 2,100 | |
| 4,625 | 5,835 | |
| 3,395 | | |
| 2,459 | $332,994 | Total amount $332,994. |

All of which is respectfully submitted.

WM. RICHARDSON, *Cashier.*
THOS. ANDERSON, *Pres't.*
W. H. BACON,
J. P. BULL,
W. NISBET,
} *Com. of Directors.*

LOUISVILLE, *January 2nd*, 1839.

## COVINGTON BRANCH OF NORTHERN BANK OF KENTUCKY.

Questions propounded to the office Northern Bank of Kentucky by a Committee of the Legislature:

QUESTION 1. Has the business of your branch been transacted on good and safe security?

ANSWER. It has.

QUESTION 2. What amount of bad debts have you made since you went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER. We have made no bad debts that we know of. Nothing has carried to the account of profit and loss, except the balances of discount, exchange, and contingent expense accounts.

QUESTION 3. What amount of debts due your branch are considered doubtful?

ANSWER. There is some slight doubt entertained by some members of the Board, in relation to the security of debts, to the amount of $33,806 25.

QUESTION 4. If you had any deferred debts, have they been reduced in accordance with the terms upon which they were deferred?

ANSWER. We have no deferred debts that have yet become due.

QUESTION 5. Has your branch, when applied to for a loan of money, ever refused by way of discount, and given it on bills of exchange for the sake of the exchange over and above the interest.

ANSWER. The Board have refused to discount the paper of individuals, of whom they have afterwards purchased Bills of Exchange on points upon which they believed his business authorized him to draw, charging interest and exchange, and they have, also, in many instances, refused to purchase Bills of Exchange, drawn without authority, and discounted notes for the same individuals, charging only 6 per cent. interest.

QUESTION 6.—Has your Branch purchased Bills Exchange and taken off the interest and exchange, with an understanding that the Bills were not to be sent for collection, but were to be retained and paid at maturity?

ANSWER.—They have not.

QUESTION 7.—Has your Branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your Branch?

ANSWER.—They have not.

QUESTION 8.—Has your Branch ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—They have not.

QUESTION 9.—Has your Branch extended accommodations to the citizens of your town and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

Answer.—They have not, except in very few instances, and in those the applicant lived nearer to some other Branch.

Question 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each other counties, to which you have made loans?

Answer.—The amount under loan upon notes and bills to citizens of the city of Covington, $112,341 14. County of Campbell, $105,003 66.—County of Boone, $137,655 06. City of Cincinnatti, $42,666 42. Harrison, $12,673. Gallatin, $11,169. Pendleton, $6,871. Grant, $6590 53. Greenup and Owen, $3,030 27. Bank drafts, and checks, &c., $9,222 46.

Question 11.—Has your Branch regularly counted the cash and examined the bonds of the officers, as required by your charter? and if not, say why it was omitted?

Answer.—The Board have at the last meeting in every month, appointed a committee to count the cash, which duty has been regularly performed on the last day of every month, except in three or four instances, when an attendance of the committee could not be procured. They have not been apprised that it was the duty of the Branch Board to examine the bonds of its officers, until the reception of these interrogatories, since which, that duty has been performed.

Question 12. Has your suspended debt been promptly and carefully attended to by your officers?

Answer. It has.

Question 13. Has your President and Directors paid the regular calls on their debts, in the same way, and at the same rate, as required of other debtors?

Answer.—The Board has not in every in instance required the customary calls from the Directors. In cases, however, where the indebtedness of a Director has exceeded three thousand dollars, he has been placed upon the same footing as other debtors of the Bank.

| | |
|---|---|
| Amount loaned to President and Directors, - - - | 45,474 18 |
| Their liabilities upon Bills of Exchange, - - - | 13,277 28 |
| | $58,751 46 |

Amounts the fifty highest debtors owe in the cities upon the notes and bills,

| | | |
|---|---|---|
| 33,806 25 | 2,900 00 | 1,400 00 |
| 8,000 00 | 2,861 00 | 1,360 00 |
| 7,901 18 | 2,789 60 | 1,314 00 |
| 6,160 00 | 2,400 00 | 1,296 00 |
| 9,540 00 | 2,500 00 | 1,200 00 |
| 5,140 78 | 2,000 00 | 1,140 00 |
| 4,444 00 | 1,800 00 | 1,115 00 |
| 4,375 92 | 1,800 00 | 1,000 00 |
| 3,600 00 | 1,760 00 | 1,000 00 |
| 3,492 00 | 1,700 00 | 1,000 00 |
| 3,446 17 | 1,613 80 | 980 00 |
| 3,400 00 | 1,600 00 | 968 19 |
| | 1,591 00 | 925 49 |

| | | |
|---|---|---|
| 3,081 27 | 1,572 03 | 800 00 |
| 3,200 00 | 1,520 00 | 735 00 |
| 3,500 00 | 1,500 00 | 684 00 |
| 3 500 00 | 1,495 00 | 700 00 |

JOHN B. CASEY, *President.*
P. S. BUSH, *Cashier.*
JOHN K. M'NICKLE, } *Directors.*
JAS. M. CLARKSON. }

*Campbell county, Sct:*

Personally appearcd before the undersigned, a Justice of the Peace in and for said county, John B. Casey, President, P. S. Bush, Cashier, and John K. M'Nickle, and James M. Clarkson, Directors, of the officers of the Northern Bank of Kentucky in Covington, and made oath that the foregoing answers and exhibit were correct and true to the best of their knowledged and belief.

Given under my hand this 2d day of January, 1839.

HAMILTON MARTIN, *J. P.*

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## PARIS BRANCH OF THE NORTHERN BANK.

Questions propounded by a committee of the Legislature of Kentucky to the Paris Branch of the Northern Bank of Kentucky :

QUESTION 1.—Has the business of your branch been transacted on good and safe securities?

ANSWER.—Yes.

QUESTION 2.—What amount of bad debts have you made since you went into operation ? and what amount of bad debts have been carried to the account of profit and loss ? and what other sums have been carried to said account?

ANSWER.—None. The amount carried to profit and loss only includes contingent expenses.

QUESTION 3.—What amount of debts due your branch are considered doubtful?

ANSWER.—None.

QUESTION 4.—If you had any deferred debts, have they been reduced in accordance with the terms on which they were deferred?

ANSWER.—We have two deferred debts. The time to which they were deferred has not passed.

QUESTION 5.—Has your branch, when applied to for a loan of money, ever refused, by way of discount, and given it on bills of exchange, for the sake of the exchange over and above the interest?

ANSWER.—We have, when it was known to the Board that the applicant wanted the money for the purpose of purchasing and driving stock to a point upon which we were purchasing bills; not for the difference of profit only, but because experience has taught us that a large amount of eastern funds is absolutely necessary to protect and replenish our vaults; and, as this fund is to be obtained by the purchase of bills of exchange, during the fall, from stock drovers, it has been the aim of this Board to invest in bills such a portion of our capital as will secure the end desired. To drovers going to markets, where exchange was exorbitant, we have usually loaned money on notes.

QUESTION 6. Has your branch purchased bills of exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but were to be retained and paid at the branch, at maturity?

ANSWER.—At no time.

QUESTION 7.—Has your branch discounted notes or bills, with an understanding that the amount was to be taken in notes of less value than the notes of your branch?

ANSWER.—No.

QUESTION 8.—Has your Bracnh ever taken a greater rate of interest than one per cent. f r every sixty days?

ANSWER.—No. We have in all cases used Rowlett's table of interest, as prescriced by the charter.

QUESTION 9.—Has your Branch extended accommodations to citizens of your town and county, in preference to the citizens of other counties, when the notes or bills offered from such other counties were equally good?

ANSWER.—We have never given preference to citizens of our own county where applicants from other counties were known to be equally good.

QUESTION 10.—Can you state and exhibit the aggregate amount loaned to citizens of your town and county, and the aggregate of loans to citizens of each of the other counties to which you have made loans?

ANSWER.—To Paris and Bourbon county, $168,653 79; to other counties, $77,937 14.

QUESTION 11.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER—It has.

QUESTION 13.—Have your President and Directors paid the regular calls on their debts, in the same manner, and at the same rate, as required of the other debtors?

ANSWER.—Their debt has, uniformly, been small, and few calls have been made upon them, in consequence of the smallness of their debt. When calls were made, they have been met.

*Resolved*, That it shall be the duly of said committee, at each session of the Legislature, to examine, within the first thirty days thereof, the condition of all the banks in the State—the amount of loans in the aggregate, and the proportion to the county, and cities, and towns; the amount loaned to directors, and their liabilities, on bills of exchange; and the several

amounts the fifty highest debtors owe in the cities, and inquire into, and report all facts necessary to a complete understanding of their management.

Answer to Resolution.—The amount of loans in the aggregate, at this office, was, on the third instant, $246,590 93. The amount to this town and county, and other counties, with which this office has done business, will be found in our answer to the tenth question. The amount owing by the directors of this branch, was, on the third instant, $31,786 67. No liability on bills of exchange. And the amount owing by fifty of the highest debtors, on the discount line, on the same day, was $150 049 53.

R. KEININGHAM,
HU. J. BRENT,
THO. KELLY, *Cashier*, } *Committee.*

Bourbon County, Sct:

Personally appeared before me, E. Thruston, a Justice of the Peace for said county, Richard Keiningham, Hugh J. Brent, and Thomas Kelly, cashier, and made oath that the foregoing answers are true, to the best of their knowledge and belief.

Given under my hand, this fourth day of January, 1839.

E. THRUSTON.

Question 11. Has your branch regularly counted the cash and examined the bonds of the officers, as required by your charter, and if not, say why it was omitted?

Answer.—The directors of this office have, at all times, known the indemnity given by the officers of this branch to be ample, and, consequently, have claimed no renewal of bonds. They have regularly examined the Cashier's account, and found entire correctness. But have, at no time, counted the cash, owing to the most implicit confidence in the Cashier.

R. KEININGHAM,
HU. J. BRENT, } *Committee.*

Bourbon County, Sct:

Personall appeared before me, the subscriber, a Justice of the Peace for said county, Richard Keiningham and Hugh J. Brent, and made oath that the above answer is true, to the best of their knowledge and belief.

Given under my hand, January 4, 1838.

E. THRUSTON.

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## RICHMOND BANK OF NORTHERN BANK OF KENTUCKY.

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Office Northern Bank of Kentucky,
*Richmond.*

At a meeting of the Board of Directors of the office of discount of the Northern Bank of Kentucky, at Richmond, Daniel Breck, President, Wm. McClanahan, Cashier, and Curtis Field and Howard Willlams, Directors, were appointed a committee to answer and report upon the interrogatories

propounded by the Joint Committee of the Senate and House of Representatives of the Legislature of Kentucky, during its present session. The committee having had said interrogatories, and all matters pertaining therto, under careful consideration, submit the following answers and report:

To the 1st interrogatory—the committee report that the business of this Branch has been transacted upon good and safe securities.

To the 2d—That no bad debt or debts, believe to be bad, have been made since this Branch went into operation—no such debts have been carried to the account of profit and loss, and no extra sums, other than premiums and discounts, and the current expenses of the Branch, have been carried to that account, except the following, to-wit: $1,261 42, being interest at the rate of 12 per centum per annum, paid by this Branch upon notes and deposits, upon which specie was demanded in the year 1837, after the suspension of specie payments, also, $269 01, costs of suits against the Northern Bank of Kentucky, paid at this office, also, $200 received in counterfeit bank notes.

To the 3d—The committee answer that there are no debts due this Branch considered bad, none even doubtful; nor has this Branch in answer to the 4th interrogatory, any deferred debts.

To the 5th—The committee state that, knowingly, no bill of Exchange has been purchased at this office, except in the ordinary and legitimate course of trade, nor has any such bill been purchased merely for the sake of the exchange, over and above the interest. The object in the purchase of Bills of Exchange has been to accommodate the drawer, and to enable the Bank to obtain in return eastern funds, or funds that would pay for the import of the country.

To the 6th—No Bill of Exchange has been purchased at this office, and the exchange and interest taken off, with the understanding that such bill was not to be sent for collection, but to be retained and paid off at the Branch at maturity.

To 7th and 8th—The committee state that no notes or bills have been discounted at this office, with an understanding that the amount was to be taken in notes of less value than the notes of this Branch, nor has a greater rate of interest than one per cent. for ever sixty days been taken.

To the 9th—The committee state that accommodations have not been extended to the citizens of the county of Madison or town of Richmond, in preference io the citizens of other counties, when the notes and bills from such other counties have been equally good.

To the 10th—The committee answer that the aggregate amount of discounts at this Branch is $140,063 95, and the amount loaned and due

| | |
|---|---|
| from the citizens of Richmond is, - - - - - - | $21,016 02 |
| Citizens of Madison county, - - - - - - | 64,028 83 |
| Citizens of Garrard county, - - - - - - | 13,049 14 |
| Citizens of Lincoln county, - - - - - - | 4,152 17 |
| Citizens of Estill county, - - - - - - | 12,222 51 |
| Citizens of Clarke county, - - - - - - | 12,088 69 |
| Citizens of Bourbon county, - - - - - - | 2,500 00 |
| Citizens of Bath county, - - - - - - | 500 00 |
| Citizens of Floyd county, - - - - - - | 500 00 |

| | |
|---|---|
| Citizens of Clay county, | 1,902 02 |
| Citizens of Knox county, | 3,500 00 |
| Citizens of Whitley county, | 969 51 |
| Citizens of Laurel county, | 1,610 06 |
| Citizens of Rockcastle county, | 1,525 00 |
| Citizens of Woodford county, | 500 00 |

To the 11th—The committee state they believe the requisitions of the charter have been regularly complied with in examining and counting the cash, and examining officers' bonds.

To the 12th—Has been already answered, as this office has no suspended debt.

To the 13th—The committee state that the aggregate amount due by note to this office by the President and Directors thereof, is $15,572. Upon Bills of Exchange, none of them are under any liability; and the committee are not aware that any partiality has been shown in making them loans, nor have they been treated differently from other debtors in the calls which have been made upon their debts, and in the payment thereof.

The fifty highest debtors to this Bank on the discount line, owe the aggregate sum of $93,360.

All which is respectfully submitted, this 31st December, 1838.

DAVID BRECK, *Pres't.*
W. McCLANAHAN, *Cash.*
CURTIS FIELD,
HOWARD WILLIAMS.

KENTUCKY, *Madison county, Sct:*

This day personally appeared before the subscriber, a Justice of the Peace for the county aforesaid, David Breck, William McClanahan, Curtis Field, and Howard Williams, and severally made oath that the facts stated in the foregoiug report are true to the best of their knowledge and belief.

Given under my hand this 2d day of January, 1839.

JOSEPH TURNER, *J. P.*

*A STATEMENT, showing the Resources and Liabilities of the Northern Bank of Kentucky, and Branches, each month, from the 1st day of January, to the 31st day December, 1838, inclusive.*

RESOURCES.

| 1838. | Bills discounted. | Bills of exchange. | Suspended debt. |
|---|---|---|---|
| January, - - | 2,337,793 64 | 595,462 53 | 27,217 10 |
| February, - - | 2,272,829 01 | 504,946 79 | 30,042 10 |
| March, - - | 2,248,707 79 | 614,386 56 | 24,107 10 |
| April, - - | 2,303,069 12 | 651,989 44 | 22,957 10 |
| May, - - | 2,297,335 94 | 537,266 19 | 25,018 42 |
| June, - - | 2,282,296 03 | 641,031 35 | 23,221 99 |
| July, - - | 2,293,820 93 | 637,045 84 | 22,321 99 |
| August, - - | 2,390,447 96 | 775,946 11 | 24,321 99 |
| September, - - | 2,409,651 14 | 1,087,534 78 | 24,028 19 |
| October, - - | 2,381,537 91 | 1,563,943 69 | 20,653 10 |
| November, - - | 2,233,807 12 | 1,795,301 00 | 19,110 10 |
| December, - - | 2,049,760 44 | 1,835,537 02 | 43,443 71 |

| 1838. | State Bonds. | Due from other banks. | Real estate. |
|---|---|---|---|
| January, - - | 755,000 00 | 590,812 42 | 98,129 94 |
| February, - - | 755,000 00 | 690,121 30 | 98,118 01 |
| March, - - | 755,000 00 | 423,781 35 | 99,118 01 |
| April, - - | 755,000 00 | 464,219 36 | 99,139 01 |
| May, - - | 755,000 00 | 508,551 76 | 99,139 01 |
| June, - - | 755,000 00 | 635,203 31 | 99,155 13 |
| July, - - - | 755,000 00 | 681,114 14 | 99,155 13 |
| August, - - | 755,000 00 | 495,638 70 | 99,155 13 |
| September, - - | 755,000 00 | 475,520 68 | 99,155 13 |
| October, - - | 755,000 00 | 276,050 14 | 99,857 88 |
| November, - - | 755,000 00 | 296,506 78 | 99,857 88 |
| December, - - | 755,000 00 | 565,677 45 | 100,857 88 |

STATEMENT OF NORTHERN BANK OF KENTUCKY AND BRANCHES—Continued.

RESOURCES.

| 1838. | Contingent expenses. | Specie on hand. | Notes of other Banks. |
|---|---|---|---|
| January, | 706 82 | 754,404 76 | 282,727 00 |
| February, | 5,779 72 | 754,448 00 | 356,727 00 |
| March, | 9,660 58 | 753,235 44 | 318,647 00 |
| April, | 12,942 87 | 755,933 13 | 356,062 00 |
| May, | 14,992 54 | 751,444 39 | 357,032 00 |
| June, | – | 762,061 80 | 372,361 00 |
| July, | 4,289 37 | 768,004 26 | 345,589 00 |
| August, | 7,760 17 | 748,901 49 | 359,439 00 |
| September, | 10,673 83 | 730,099 84 | 345,812 00 |
| October, | 13,625 85 | 720,133 82 | 332,532 00 |
| November, | 16,262 98 | 705,784 22 | 282,545 00 |
| December, | – | 698,302 37 | 302,597 00 |

| 1838. | Unmatured checks. | Premiums. | Protest account. | Interest account. |
|---|---|---|---|---|
| January, | | | | |
| February, | 38,180 92 | 231 14 | 1 66 | |
| March, | 120,300 08 | – | 1 66 | 537 99 |
| April, | | | | |
| May, | 79,502 87 | – | – | 110 67 |
| June, | – | – | – | 27,500 00 |
| July, | | | | |
| August, | | | | |
| September, | | | | |
| October, | | | | |
| November, | | | | |
| December, | | | | |

| 1838 | Interest paid B'k U. States. | State of Ky. | Total. |
|---|---|---|---|
| January, | – | – | 5,442,254 21 |
| February, | – | – | 5,506,425 65 |
| March, | – | – | 5,367,483 56 |
| April, | – | – | 5,421,312 03 |
| May, | 9,219 04 | – | 5,434,612 83 |
| June, | – | – | 5,597,830 61 |
| July, | – | – | 5,606,340 66 |
| August, | – | – | 5,656,610 55 |
| September, | – | – | 5,937,475 59 |
| October. | – | – | 6,163,334 39 |
| November, | 8,763 13 | – | 6,212,938 21 |
| December, | – | 25,000 00 | 6,376,175 87 |

STATEMENT OF NORTHERN BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

| 1838 | Capital stock. | Notes in circulation. | Due to other Banks. |
|---|---|---|---|
| January, | 2,659,300 00 | 1,543,650 00 | 247,186 18 |
| February, | 2,683,310 00 | 1,571,385 00 | 273,517 86 |
| March, | 2,688,595 00 | 1,496,190 00 | 247,866 98 |
| April, | 2,690,300 00 | 1,490,495 00 | 260,821 59 |
| May, | 2,706,740 00 | 1,475,735 00 | 246,900 10 |
| June, | 2,750,815 00 | 1,499,755 00 | 248,695 05 |
| July, | 2,771,965 00 | 1,581,866 00 | 246,395 87 |
| August, | 2,787,125 00 | 1,617,859 00 | 197,634 76 |
| September, | 2,789,090 00 | 1,821,222 00 | 270,952 53 |
| October, | 2,808,865 00 | 2,101,600 00 | 205,067 35 |
| November, | 2,850,330 00 | 2,160,977 00 | 254,574 66 |
| December, | 2,895,685 00 | 2,167,994 00 | 333,820 88 |

| 1838 | Due to Treasurer U. States. | Due State of Ky. | Due Commiss'rs Sinking Fund. |
|---|---|---|---|
| January, | 130,558 54 | 15,000 00 | 7 60 |
| February, | 111,062 42 | | |
| March, | 81,529 73 | | |
| April, | 66,478 86 | | |
| May, | 61,807 22 | | |
| June, | 60,949 49 | | |
| July, | 56,019 71 | | |
| August, | 51,475 77 | | |
| September, | 41,112 57 | | |
| October, | 31,100 81 | | |
| November, | 33,856 03 | | |
| December, | 32,409 32 | | |

| 1838. | Individual depositors. | Bank of the U. States. | Discounts and premiums. |
|---|---|---|---|
| January, | 387,217 94 | 368,761 80 | 10,898 13 |
| February, | 393,524 97 | 368,761 80 | 27,239 89 |
| March, | 357,340 20 | 368,761 80 | 50,074 01 |
| April, | 404,984 29 | 368,761 81 | 62,289 93 |
| May, | 395,830 75 | 368,761 80 | 80,819 91 |
| June, | 466,040 60 | 368,761 80 | |
| July, | 442,326 97 | 368,761 80 | 19,206 78 |
| August, | 399,407 76 | 368,761 80 | 48,350 29 |
| September, | 436,086 47 | 368,761 80 | 79,471 12 |
| October, | 435,792 01 | 368,761 80 | 111,721 93 |
| November, | 392,407 36 | 184,380 90 | 137,152 60 |
| December, | 512,677 86 | 184,380 90 | |

STATEMENT OF NORTHERN BANK OF KENTUCKY AND BRANCHES—Continued.

LIABILITIES.

| 1838 | Contingent fund, and profit & loss. | Dividends unclaimed. | Treasurer of Ky. |
|---|---|---|---|
| January, | 70,143 98 | 9,530 04 | |
| February, | 70,143 98 | 7,479 73 | |
| March, | 70,143 98 | 6,981 86 | |
| April, | 70,143 98 | 6,696 95 | 339 63 |
| May, | 70,143 98 | 6,279 55 | 21,594 52 |
| June, | 161,462 94 | 6,002 14 | 35,348 59 |
| July, | 66,396 96 | 10,892 61 | |
| August, | 64,856 96 | 8,630 25 | |
| September, | 64,856 96 | 8,201 70 | |
| October, | 64,856 96 | 6,320 59 | |
| November, | 64,856 96 | 5,952 76 | |
| December, | 211,289 95 | 5,793 02 | |

| 1838 | Due State government offic'rs. | Total. |
|---|---|---|
| January, | – | 5,442,254 21 |
| February, | – | 5,506,425 65 |
| March, | – | 5,367,483 56 |
| April, | – | 5,421,312 03 |
| May, | – | 5,434,612 83 |
| June, | – | 5,597,830 61 |
| July, | 42,508 96 | 5,606,340 66 |
| August, | 112,508 96 | 5,656,610 55 |
| September, | 57,720 44 | 5,937,475 59 |
| October, | 29,247 94 | 6,163,334 39 |
| November, | 128,449 94 | 6,212,938 21 |
| December, | 32,124 94 | 6,376,175 87 |

NORTHERN BANK OF KENTUCKY,
*Lexington, January* 4, 1839.

The following resolutions being left by the Committee on Banks, with a request that the information desired should be furnished by the 5th January, 1839, viz:

*Resolved*, That the Committee on Banks ascertain, accurately, the full amount of the public deposits of the United States held by the Northern Bank of Kentucky, and by the Bank of Kentucky, at the beginning of each month, from the first day of July, 1836, to the first of October, 1837, inclusive; and, also, that the Committee ascertain, with certainty, in what manner said deposits was made by the officers of the federal government, in either of said Banks, whether the money was actually deposited with said Banks, or if the deposite was made in them through checks, or drafts, or orders of transfers upon other Banks in the eastern states, or elsewhere, which, at the date of said checks, drafts, or transfers, held the public money of the United States on deposite. And, also, ascertain from what places the public money of the United States was transferred to the said Kentucky Banks, and the time when such sum received by them was deposited with them, or either of them. And, also, that the committee require of the said Banks to exhibit the evidences of calls made upon either of them during the period aforesaid, by the Secretary of the Treasury of the United States, for any part of the public money so deposited with them. And if such calls were made, that the directory of said Banks show to the Committee the several amounts called for, and to what places the said Banks were ordered or required, on the part of the United States, to transfer the amount called for. And that the Committee ascertain if the said Banks did not meet or comply with said calls through the medium of bills of exchange, purchased from the trading and mercantile people, and checks, or bills of exchange, or drafts sold by said Banks to other persons; and that said Committee report to this House all the facts involved in the inquiries herein directed—stating therein in what sort of funds the Banks met these calls of the United States, and by what means they were enable to meet them.

*Resolved further*, That the Committee ascertain at what disconnt, if any, did the Northern Bank sell the bonds she had purchased from the Governor of this State, to the Treasurer of the United States.

*Resolved further*, That the committee ascertain from said Kentucky Banks if the whole amount of the public money which had been deposited with them for the State of Kentucky, had not, before the 15th day of May, 1837, been either discounted or invested in bills of exchange, and if the money, so discounted or invested in the purchase of bills of exchange, was, on the day aforesaid, returned or paid into said Banks.

To which we answer as follows:—

FIRST RESOLUTION.—The account current of the principal Bank and office at Louisville, with the Treasurer of the United States, (hereto annexed, marked No. 1, and No. 2,) with the remarks contained in said accounts,

will furnish the information desired by the first resolution, except as to the means by which the Bank was enabled to make the payments. On that subject this Committee would state: that the monies of the United States, on deposit, entered into the general business of the Bank; part might be considered as vested in exchange, part in loans, and a part remaining on deposits; and from the payment by debtors of the bills of exchange, and loans, and from funds on hand, the Bank was enabled to meet the calls on it.

ANSWER TO SECOND RESOLUTION.—The Bank sold ninety four thousand dollars of those bonds to the Secretary of the Treasury, at par, and one thousand dollars to the Secretary of War for nine hundred and eighty dollars; and the payments were made principally in eastern funds, then worth one per cent. premium, which produced a profit to the Bank of $920, over the par of the stock sold.

ANSWER TO THIRD RESOLUTION.—The Committee are unable to say whether all the public money, on deposit, had or had not been invested in loans, or exchange, before 15th of May, 1837, as the deposits were not kept separate or apart from the other funds of the Bank, but mingled in general deposit. A part of the moneys might be considered as invested in loans and bills of exchange, some of which no doubt remain unpaid to this day.

M. T. SCOTT, *Cashier.*

JN. TILFORD, *Pres't.*
JOHN BRANE,
M. C. JOHNSON,
R. WICKLIFFE, JR.
} *Com. of Nor. Bank Ky.*

No. 1.

Dr. *Treasurer of the United States with Northern Bank of Kentuckey, Lexington.* Cr.

| | | | | | |
|---|---|---|---|---|---|
| 1836 | | | 1836 | | |
| August 22, - | To cash for pension fund, - | 5,000 00 | August 3, - | By cash, in notes of the Banks of Kentucky paid thro' this | |
| October 10, - | To cash paid J. M. M'Calla, - | 3,000 00 | | office at Louisville, - - | 100,000 00 |
| October 17, - | To cash paid Thos. B. Monroe, | 375 00 | August 6, - | By cash, in notes of the Banks | |
| November 1, | To cash paid J. M. M'Calla, - | 50 00 | | of Kentucky paid thro' this | |
| November 1, | To cash paid L. Sanders, Jr. - | 50 00 | | office at Louisville, - - | 100,000 00 |
| 1837 | | | | | |
| January 24, - | To cash paid J. M. M'Calla, - | 50 00 | | | |
| January 25, - | To cash paid Thos. B. Monroe, | 375 00 | August 12, | By cash, in notes of the Banks | |
| January 26, - | To cash paid L. Sanders, Jr. - | 50 00 | | of Kentucky paid thro' this | |
| February 27, | To cash for pension fund, - | 30,500 00 | | office at Louisville, - - | 100,000 00 |
| March 29, - | To cash for pension fund, - | 10,000 00 | Augnst 12, | By cash, in notes of the Banks | |
| April 19, - | To cash paid Thos. B. Monroe, | 375 00 | | of Kentucky paid thro' this | |
| April 21, - | To cash paid J. M. M'Calla, - | 50 00 | | office at Louisville, - - | 1,350 69 |
| April 25, - | To cash paid L. Sanders, Jr. - | 50 00 | 1837 | | |
| May 4. - | To cash paid A. D. Stewart, | | | | |
| | paymaster Ky. Sabine volun., | 60,000 00 | February 11, | By cash of C. C. Randall, - | 30 00 |
| May 23, - | To cash paid L. H. West, - | 80 00 | March 7, - | By cash of J. M. M'Calla, mar- | |
| June 14, - | To cash paid State of Ky. (on | | | shall Kentucky district, - | 1,000 00 |
| | account of surplus revenue, | 100,000 00 | March 29, - | By interest on public deposits, | 3,082 03 |
| June 19, - | To cash for pension fund, - | 11,000 00 | June 30, - | By interest on public deposits, | 3,957 10 |
| June 19, - | To cash for pension fund, - | 10,780 00 | Sept. 20, - | By cash of A. D. Stewart, pay- | |
| June 19, - | To cash for pension fund, - | 12,480 00 | | master, &c. - - - | 15,000 00 |
| June 19, - | To cash for pension fund, - | 13,000 00 | | | |

| | | | | |
|---|---|---|---|---|
| July 17, - | To cash for Thos. B. Monroe, | 375 00 | | |
| July 19, - | To cash for Mrs. A. Davis, - | 240 00 | | |
| July 21, - | To cash for J. M. M'Calla, - | 50 00 | | |
| July 24, - | To cash for L. Sanders, Jr. - | 50 00 | | |
| August 29, - | To cash for pension fund, - | 60,000 00 | | |
| November 20, | To cash, Cashier N. B'k Ky. - | 980 00 | | |
| December 4, | To cash for pension fund, - | 2,459 82 | | |
| December 9, | To cash paid J. M. M'Calla, - | 3,000 00 | | |
| | | $324,419 82 | | $324,419 82 |

No. 2.

*Treasurer of the United States in account at Louisville Branch Northern Bank of Kentucky.*

| Dr. | | | Cr. | | |
|---|---|---|---|---|---|
| 1836 | | | 1386 | | |
| August 30, - | To balance, - - - - | $350,000 00 | August 30, - | By B. F. Mims, cashier; payment of transfer draft N. 1,-416, on branch State Bank of Indiana, Indianapolis, in our favor, payable 31st inst. | $150,000 00 |
| | | | | [Transfer draft No. 1416 paid to us in notes of the Kentucky and Cincinnati banks, with $2,811 on St. Louis.] | |
| | | | August 30, - | By Louisville Savings Institute, payment of transfer draft No. 1433 on them; due 1st September, 1836, - - - | 100,000 00 |
| | | | | [Payment of transfer draft No. 1433 and 1434 received in checks on New Orleans for about $50,000; specie, $12,-000, and balance in notes of the different banks received at our counter.] | |
| | | | August 30, - | By payment of transfer draft No. 1434 on them, payable 20th September, 1836, - | 100,000 00 |
| | - - - - - - - - - - | $350,000 00 | | | $350,000 00 |

No. 2—Continued.

| 1836 | | | 1836 | | |
|---|---|---|---|---|---|
| Sep. 26, | To balance, - - - - - | $554,777 78 | Aug. 30, | By balance, - - - - - - | $350,000 00 |
| | | | Sept. 16, | By office State Bank Indiana, at New Albany, in payment of transfer draft No. 1486, payable to this office, 20th inst., viz:—In silver, - - - | 50,000 00 |
| | | | | In notes, - - - - - - | 6,000 00 |
| | | | | J. R. Shields, cashier, ck. on Bank of Louisville, - - - - | 30,000 00 |
| | | | | Do. Bank of Kentucky, - - | 11,325 00 |
| | | | | Do. on this office, - - - | 2,675 00 |
| | | | | [Payment of transfer draft No. 1486, for $100,000, received as specified in entry.] | |
| | | | Sept. 20, | By receipt for transfer draft No. 1444 on Branch State Bank Indiana, Indianapolis, fav. this office, due this day, - - - - - - - | 100,000 00 |
| | | | | [Payment of transfer draft No. 1444 received in bank notes and checks on city banks.] | |
| | | | Sept. 26, | By deposite by D. J. Baker, U. S. Attorney for Illinois, on account of monies collected by him, as trustee from Bank of Illinois, at Shawneetown, - - - - - - - | 4,777 78 |
| | | | | [Bank notes.] | |
| | - - - - - - - - - - - - | $554,777 78 | | | $554,777 78 |

No. 2—Continued

| 1836 | | | 1836 | | |
|---|---|---|---|---|---|
| ct. 21, | To cash paid Bank Kentucky, J. Campbell's transfer draft, No. 1652, on this office, payable 1st Nov., - - - [Paid by check of this office in the Bank of Kentucky.] | $100,000 00 | Sept. 26, | By balance, - - - - - | $554,777 78 |
| | | | Oct. 1, | By Branch State Bank Indiana, at N. Albany, in payment of transfer draft No. 1487, due this day, - - [Paid in check on N. York, $15,000; balance bank notes of its branches.] | 100,000 00 |
| Oct. 27, | To same, J. M. Campbell, treasure'r transfer draft No. 1653, due 1st December, 1836, - [Paid in bank notes.] | 100,000 00 | Oct. 14, | By Louisville Savings Institution, in payment of transfer draft No. 1435, due this day, - - - - [$10,000 in specie; balance in Kentucky and Cincinnati bank notes.] | 100,000 00 |
| Oct. 27, | To balance, - - - - | 654,777 78 | Oct. 27, | By Louisville Savings Institution, in payment of transfer draft No. 1436, due this office 20th Nov. 1836, - [Paid in notes of Kentucky banks.] | 100,000 00 |
| | - - - - - - | $854,777 78 | | | $854,777 78 |
| Nov. 22, | To balance, - - - - | $761,074 13 | Oct. 27, | By balance, - - - - - | $654,777 78 |
| | | | Nov. 1, | By J. G. Read, Receiver at Jeffersonville, Ia.—In gold, - - - | 143 43 |
| | | | | Silver, - - - | 12,452 92 |
| | | | | Bank notes, - - | 13,700 00 |
| | | | Nov. 22, | By transfer draft No. 1568, paid by Br. State Bank of Indiana, at Indianap'ls, [Payment of transfer draft No. 1568 received in—$45,000 specie; $10,000 check on N. York; balance in bank notes of Kentucky banks.] | 80,000 00 |
| | - - - - - - - - - - | $761,074 13 | | | $761,074 13 |

| 1836 | | | 1836 | | |
|---|---|---|---|---|---|
| Dec. 21, | To Bank Kentucky, for transfer draft No. 1654, on this office, due and payable 1st of January, 1837, - - - [Paid in Bank of Kentucky notes.] | $100,000 00 | Nov. 22, | By balance, - - - - - | $761,074 13 |
| | | | Dec. 1, | By Branch State Bank Indiana, at Indianapolis, in payment of transfer draft, due this day, - - - [Paid in checks on N. York, $110,000; checks on Baltimore, $51,000; balance in Kentucky bank notes.] | 200,000 00 |
| Dec. 23, | To balance, - - - - - | 1,232,697 67 | Dec. 1, | By J. G. Read, Receiver at Jeffersonville, Ia.—In bank notes, - - | 14,890 00 |
| | | | | Silver, - - - | 16,073 90 |
| | | | | Gold, - - - | 659 64 |
| | | | Dec. 19, | By Louisville Savings Institution, in payment of transfer draft No. 1437, due 20th instant, - - - - [Paid in Bank of Kentucky notes, $50,000; in Northern Bank notes, 100,000.] | 150,000 00 |
| | | | Dec. 23, | By Commercial Bank of Cincinnati, transfer draft No. 1626, due 1st instant, and extended to 1st January, 1837, - - - - - [Payment of transfer draft No. 1626, received in checks on N. York for $100,000; balance in Kentucky bank notes.] | 190,000 00 |
| | - - - - - - - - - - | 1,332,697 67 | | | 1,332,697 67 |

| | | | | | |
|---|---|---|---|---|---|
| 1837 | | | 1836 | | |
| Jan. 5, | To Bank of Kentucky, transfer draft No. 1655, due 1st February, - [Paid in Bank of Louisville and Bank of Kentucky notes.] | $100,000 00 | Dec. 23, | By balance, - - - - | $1,232,697 67 |
| | | | 1837 | | |
| | | | Jan. 10, | By Branch State Bank of Indiana, Indianapolis, for payment transfer draft No. 1585, due this day, - - - [Check on N. York, $10,000; Kentucky Bank notes, $182,000; New Albany, $4,000; Cincinnati, $4,000.] | 200,000 00 |
| Jan. 21, | To transfer draft No. 27, fav. Treasurer of the State of Kentucky—paid Treasurer of said State by placing the amount to his credit, - - | 320,000 00 | | | |
| Jan. 31, | To treasury warrant No. 4133, to Lewis Randolph, late Secretary Arkansas Territory, - - - - - [Paid in bank notes and specie.] | 431 15 | | | |
| Jan. 31, | Balance, - - - - - - | 1,012,266 52 | | | |
| | | 1,432,697 67 | | - - - - - | 1,432,697 67 |
| | | | 1837 | | |
| Feb. 10, | To transfer draft No. 1788, favor of Bank of Kentucky, due 15th instant, [Bank of Kentucky notes.] | 100,000 00 | Jan. 31, | By balance, - - - - | 1,012,266 52 |
| | | | Feb. 1, | By transfer draft No. 1627, on Commercial Bank, Cincinnati, due 1st January and extended to 1st February, by order of Treasurer, - - [By checks on Bank of Kentucky, Bank of Louisville, and balance in Kentucky bank notes.] | 190,000 00 |
| Feb. 10, | Balance, - - - - - - | 11,02,266 52 | | | |
| | - - - - - - - - | 1,202,266 52 | | | 1,202,266 52 |

| 1837 | | | 1837 | | |
|---|---|---|---|---|---|
| Mar. 1, | To transfer draft No. 1656, fav. Bank of Kentucky, - - - - - | $100,000 00 | Feb. 10, | By balance, - - - | $1,102,266 52 |
| | [$50,000 Bank of Louisville notes; $50,000 Bank of Kentucky notes.] | | Mar. 1, | By J. G. Read, Receiver, at Jeffersonville, Indiana— | |
| Mar. 2, | To treasury warrant No. 159, to Trustees Marine Hospital, Cumberland, Ky., - - - - - - - - | 351 50 | | In gold, - - - - | 1,233 15 |
| | [Bank notes and specie.] | | | In silver, - - - | 38,104 85 |
| Mar. 15, | To transfer draft No. 1789, favor of Bank of Kentucky, due this day, - | 50,000 00 | Mar. 31, | By J. G. Read, Receiver, at Jeffersonville, Indiana— | |
| | [Paid in Bank of Kentucky notes.] | | | In silver, - - - | 34,273 94 |
| Mar. 31, | To transfer draft No. 133, to State of Kentucky—this day passed to the credit of the Treasurer of same, - | 320,000 00 | | In gold, - - - - | 960 49 |
| | [Afterwards transferred to Bank of Kentucky, and paid; together with a further balance—silver, $100,000; gold, $50,000; State bonds, $250,000.—(See general settlement with Bank of Kentucky, Aug. 18, 1837.) In our settlement with the Branch of the Bank of Kentucky, at Frankfort, we paid $135,000 by check on Bank of Louisville, and $49,000 in our own notes.] | | | | |
| Mar. 31, | Balance carried forward, - - - | 706,487 45 | | | |
| | | 1,176,838 95 | | - - - - - - - - - - | $1,176,838 95 |

| 1837 | | | 1837 | | |
|---|---|---|---|---|---|
| April 14, | To transfer draft No. 1787, fav. Bank Bank of Kentucky, - - - [Bank notes.] | 100,000 00 | Mar. 31, | By balance, - - - - | $706,487 45 |
| April 19, | To transfer draft No. 1922, favor of the Planters' Bank of Tennessee, due July 24, 1837, - - - - [Paid by check on New York.] | 100,000 00 | | | |
| April 19, | To ditto, for ditto, No. 1920, due June 24, 1837, - - - - - [Paid by check on New York.] | 100,000 00 | | | |
| April 30, | To Balance, - - - - - | 406,487 45 | | | |
| | | $706,487 45 | | - - - - - - - - - - | $706,487 45 |

| 1837 | | | 1837 | | |
|---|---|---|---|---|---|
| May 13, | To transfer draft No. 6424, fav. Capt. Brown, - - - - - [Paid in specie.] | 21,000 00 | April 30, | By balance, - - - - | $406,487 45 |
| | | | May, 1, | By J. G. Read, Receiver, at Jeffersonville, Indiana— | |
| May 13, | To balance, - - - - - | 405,372 45 | | In gold, - - - | 807 91 |
| | | | | In silver, - - - | 19,077 09 |
| | - - - - - - - | $426,372 45 | | - - - - - | $426,372 45 |

| | | | | | |
|---|---|---|---|---|---|
| June 15, | To State transfer draft No. 252, paid Treasurer State of Kentucky, - [Transferred to Bank Kentucky—(see entry March 31.] | 100,000 00 | May 13, | By balance, - - - - | 405,372 45 |
| June 19, | To treasury warrant No. 6, Henry Hollingsworth, - - - - | 141 00 | | | |
| June 19, | Balance, - - - - - - | 305,231 45 | | | |
| | | 405,327 45 | | - - - - - - | 405,372 45 |
| July 17, | To transfer draft No. 1943, favor of Bank of Virginia, due 1st July, - [Paid by Northern Bank.] | 100,000 00 | June 19, | By balance, - - - - [In notes of Bank U. States, Bks. in Virginia, checks on Banks Metropolis, and on Banks in New York.] | 305,231 45 |
| July 17, | To transfer draft No. 1983, favor of same, - - - - - - [Paid by Northern Bank.] | 100,000 00 | | | |
| July 17, | Balance, - - - - - - | 105,231 45 | | | |
| | | 305,231 45 | | | 305,231 45 |
| Dec. 4, | To warrant No. 3065, favor of H. M. Shreve, - - - - - [U. S. Bank notes, $3,000; Kentucky bank notes, $2,000.] | 5,000 00 | July 17, | By balance, - - - - | 105,231 45 |
| | | | Aug. 31, | By balance, - - - - | same |
| | | | Sep. 30, | By balance, - - - - | same |
| | | | Oct. 31, | By balance, - - - - | same |
| Dec. 6, | To warrant No. 2995, favor of John Tilford, Pension Agent, - - | 67,540 18 | Nov. 30, | By balance, - - - - | same |
| Dec. 31, | Balance, - - - - - | 32,691 27 | | | |
| | | 105,231 45 | | | 105,231 45 |

No. 2—Continued.

| 1838 | | | 1837 | | |
|---|---|---|---|---|---|
| Jan. 4, | To warrant No. 3065, favor of Verplank Van Antwerp, - - - [Gold, $2,000; U. States Bank notes, $1,000; Kentucky notes, $2,000.] | 5,000 00 | Dec. 31, | By balance, - - - - | 32,691 27 |
| Jan. 18, | To warrant No. 3112, favor of H. M. Shreve—(our own notes)— - - | 10,120 00 | | | |
| Jan. 18, | Balance, - - - - - - | 17,571 27 | | | |
| | | 32,691 27 | | - - - - - | 32,691 27 |
| | | | 1838 | | |
| Feb. 14, | To warrant 3218, favor of Wm. McKnight, Superintendent, - - | 14,000 00 | Jan. 18, | By balance, - - - - | 17,571 27 |
| Feb. 27, | To warrant No. 3248, favor of E. R. Long, - - - - - - [Bank notes, Ky.] | 200 00 | | | |
| Feb. 27, | Balance, - - - - - - - | 3,371 27 | | | |
| | | 17,571 27 | | - - - - - - | 17,571 27 |
| Mar. 30, | To warrant No. 3333, favor Louisville Savings Institution, - - - [Specie.] | 2,780 77 | Feb. 27, | By balance, - - - | 3,371 27 |
| Mar. 30, | To balance, - - - - - | 590 50 | | | |
| | | 3,371 27 | | - - - - - | 3,371 27 |

| | | | | | |
|---|---|---|---|---|---|
| 1838 April 10, | To warrant No. 2035, favor of Trustees Cumberland Hospital, - - [U. States Bank notes and specie] | 590 50 | 1838 Mar. 30, | By balance, - - - - | 590 50 |
| | | 590 50 | | | 590 50 |

LOUISVILLE, *December* 26, 1838.

F. X. WHITE, *Gen'l Bk'r.*

# BANK OF LOUISVILLE.

Answers to the Questions propounded by the Joint Committee of the Senate and House of Representatives of Kentucky on Banks:

Question 1.—Has the Bank of Louisville complied with the second and third sections of the act, approved the 16th February, 1838, entitled, an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State?

Answer.—Yes, so far as relates to this Bank.

Question 2.—Will the reports of the Bank of Louisville to the Secretary of State exhibit the true condition of said Bank at the close of each month, from the 1st January, 1838, to the 1st January, 1839, and if they will not, then exhibit such a statement in connection with your answer to this question?

Answer.—They will.

Question 3.—Has the business of the Bank of Louisville been transrcted on good and safe security?

Answer.—Yes, to the best of our judgment.

Question 4.—What amount of bad debt have you made since you went into operation, and what amount of bad debt has been carried to the account of profit and loss, and what other sums have been carried to said account?

Answer.—No bad debts to our knowledge have been made, therefore, none have been carried to the debit of profit and loss account. Other amounts usually carried to that account, are the expenses of the Bank, semi-annually, premium of Bills of Exchange, and discount on notes, and surpluses and deficiencies in the cash, which sometimes occurs in small amounts, and when the errors, by which they arise, cannot be traced. A transcript of the profit and loss account will be furnished, if required.

Question 5.—What amount of debt due your Bank are considered doubtful?

Answer..—In relation to the doubtful debts of the Bank, it is difficult to say—the Board would reluctantly consider any doubtful, but in order to meet the question, they believe $20,000 a large estimate, but will state it at that, in order to not be under the mark.

Question 6.—Has the deferred debt in the Bank of Louisville been reduced in accordance with the terms on which they were deferred?

Answer.—Yes, but with very few exceptions.

Question 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, how much, or what per cent., and if it has not, why has it been employed in exchange?

Answer.—The net profits on exchange have been greater than on notes, but, we think, one per cent., in proportion to the amount invested.

Question 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

Answer.—We think there is not greater punctuality in paying Bills of Exchange than notes discounted; much puuctuality has been observed in both, with the exception of bills in the difficult times of 1837. Bills are more available because the Board is not liable to be called on to aid in payment—on notes they frequently are.

Question 9.—Has the Bank, when applied to for loans of money, ever refused it by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

Answer.—We have no recollection of any case of refusing to discount a note, with a view to getting a Bill of Exchange from the same parties, but the Bank has frequently preferred exchange, both as it regarded profit and a proper division of its means between notes discounted and Bills of Exchange; and the Board would prefer at this time a larger proportion of Bills of Exchange than they have. Towards Bills of Exchange, not founded on actual business, or not fortified by undoubted names, no encouragement, whatever, is shown; with undoubted names a note is as readily discounted as a Bill of Exchange, unless the discount line is disproportionably large.

Question 10.—Has the Bank purchased Bills of Exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but to be retained and paid at the Bank at maturity?

Answer.—Never.

Question 11.—Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days?

Answer.—The Bank has always calculated interest on the principal of Rowlett's Tables of Interest, as authorized by the chdrter, which is one per cent. for sixty days.

Question 12.—Has the Bank discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank?

Answer.—Never.

Qnestion 13.—Why does your Bank charge one half of one per cent. exchange between different places in your own State?

Answer.—Because it is in accordance with the Board's view of its value. It must be obvious that when bills are collected at a point not immediately available at par, the ½ of 1 p. c. exchange is a small equivalent. In some cases they are not available for months, there being no demand for checks on those points, and because Exchange is in favor of Louisville from every point in the State.

Question 14.—Why has your Bank charged so high a rate of exchange on New Orleans and other places in the South?

Answer.—We have not for more than eighteen months purchased exchange on the South, except on New Orleans. We have charged but 2 per cent. since it was reasonably certain that the New Orleans Banks would resame payments in specie on 1st January, 1839: before this was reasonably certain, we charged from 3 to 5 per cent., and these we do not consider high: 1st. Because we expected to resume, and did resume, before the N.

Orleans Bank were ready to resume. 2d. Because the rate of exchange between New Orleans and N. York was high. 3d. Because the domestic exchanges of the whole Union were very much deranged. 4th. Because of the uncertainty as to the time when we could hope to realize, in par funds, at Louisville, the amounts invested in such bills. 5th. Because New Orleans Bank notes were selling in this market at from 6 to 10 per cent. discount, and we could get nothing but those notes at New Orleans for collections there, without submitting to the current exchanges of New Orleans, to procure bills on other places. 6th. Because, considering the hazard and delay, the Board believed it was worth as much as they charged for making those negotiations.

QUESTION 15.—Has your Bank extended accommodations to the citizens of your city and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—In no case, whatever, where the Board were equally well acquainted with the responsibility and punctuality of the applicants.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to citizens of Louisville, and the aggregate amount to citizens of other counties, separately?

ANSWER.—The aggregate amount of loans, on notes discounted, to citizens of Louisville, up to the 31st instant, is $928,000; to those out of Louisville, of other counties in the State, $130,000; on Bills of Exchange, to cititizens of Louisville, $264,000; out of Louisville, about $80,000.

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank, and if so, say how long the vacancy was suffered to exist, and why?

ANSWER.—No.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER.—Yes.

QUESTION 19.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—Yes, to the best of our knowledge and belief.

JNO. S. SNEAD, *President.*
ALFRED THRUSTON, *Cash.*
VIRGIL McKNIGHT, } *Com. of*
ED'WD CROW, } *Directors.*

COMMONWEALTH OF KENTUCKY, } s. s.
*Jefferson county,* }

Personally appeared before me, a notary public for Jefferson county, duly qualified and sworn, John S. Snead, Virgil McKnight, Alfred Thruston and Edward Crow, made oath that the answers hereto prefixed are just and true. In testimony whereof, I have subscribed my name, and affixed my seal of office, this 31st day of December, 1838.

JOHN P. MILLER, *N. P.*

NOTE.—To question 20th, the information called for, by the resolution of 23d February, 1837, is embraced in answer to questions of the committee, and in semi-annual statements of the Bank required to be made to the Secretary of State.

A. THRUSTON, *Cash.*

*A STATEMENT, showing the Resources and Liabilities of the Bank of Louisville, each month, from the 1st day of January, to the 31st day December, 1838, inclusive.*

RESOURCES.

| 1838 | Bills discounted. | Bills of exchange. | City loans. |
|---|---|---|---|
| January, - - | 843,945 71 | 135,701 70 | 80,000 00 |
| February, - - | 922,073 89 | 120,612 39 | 80,000 00 |
| March, - - | 1,072,800 53 | 101,527 90 | 80,000 00 |
| April, - - | 1,103,435 37 | 115,336 71 | 80,000 00 |
| May, - - | 1,138,613 26 | 141,084 58 | 80,000 00 |
| June, - - | 1,109,556 57 | 139,607 02 | 80,000 00 |
| July, - - | 1,069,763 34 | 137,452 56 | 80,000 00 |
| August, - - | 1,066,663 22 | 150,722 52 | 80,000 00 |
| September, - - | 1,062,202 57 | 172,611 54 | 80,000 00 |
| October, - - | 1,067,714 06 | 208,381 56 | 80,000 00 |
| November, - - | 1,096,022 66 | 292,745 31 | 80,000 00 |
| December, - - | 1,058,340 78 | 344,531 15 | 80,000 00 |

| 1838. | Bank checks. | Due from other banks. | Real estate. |
|---|---|---|---|
| January, - - | 17,240 90 | 66,404 41 | 45,116 99 |
| February, - - | 24,853 94 | 63,013 76 | 45,134 99 |
| March, - - | 32,775 90 | 46,684 19 | 45,149 99 |
| April, - - | 31,875 90 | 51,343 92 | 45,945 93 |
| May, - - | 25,175 90 | 71,932 21 | 45,945 93 |
| June, - - | 25,175 90 | 110,719 16 | 45,945 93 |
| July, - - - | 29,911 71 | 111,214 66 | 45,945 93 |
| August, - - | 15,170 81 | 119,506 26 | 45,945 93 |
| September, - - | 15,527 00 | 68,946 73 | 45,945 93 |
| October, - - | 14,777 00 | 72,296 36 | 45,945 93 |
| November, - - | 14,907 00 | 55,353 32 | 45,945 93 |
| December, - - | 13,661 90 | 54,578 61 | 45,945 93 |

STATEMENT OF BANK OF LOUISVILLE—Continued.

RESOURCES.

| 1838. | Expense acc't. | Notes of other Banks. | Specie on hand. |
|---|---|---|---|
| January, - - | 5,293 51 | 9,445 96 | 152,918 23 |
| February, - - | 5,956 41 | 41,285 00 | 153,308 45 |
| March, - - | 5,946 70 | 106,859 10 | 152,740 23 |
| April, - - | 6,967 00 | 77,186 89 | 152,145 92 |
| May, - - | 8,258 40 | 84,865 50 | 153,251 09 |
| June, - - | 8,232 95 | 67,790 70 | 155,761 46 |
| July, - - | 258 32 | 84,477 00 | 155,647 44 |
| August, - - | 2,377 82 | 46,275 00 | 156,005 09 |
| September, - - | 2,402 23 | 82,560 78 | 151,078 42 |
| October, - - | 3,369 39 | 91,706 73 | 148,756 40 |
| November, - - | 4,487 45 | 85,953 08 | 145,043 23 |
| December, - - | 4,551 72 | 79,415 18 | 142,946 61 |

| 1838. | Total. |
|---|---|
| January, - - - - - - | 1,356,067 41 |
| February, - - - - - - | 1,456,238 83 |
| March, - - - - - - | 1,644,484 54 |
| April, - - - - - - | 1,664,237 64 |
| May, - - - - - - | 1,749,126 87 |
| June, - - - - - - | 1,742,789 69 |
| Juiy, - - - - - - | 1,714,670 96 |
| August, - - - - - - | 1,682,666 65 |
| September, - - - - - - | 1,681,275 20 |
| October, - - - - - - | 1,732,947 43 |
| November, - - - - - - | 1,820,457 98 |
| December, - - - - - - | 1,823,971 88 |

STATEMENT OF BANK OF LOUISVILLE—Continued.

LIABILITIES.

| 1838 | Capital stock. | Due to other Banks. | Surplus fund. |
|---|---|---|---|
| January, - - | 1,150,000 00 | 68,196 74 | 23,000 00 |
| February, - - | 1,150,000 00 | 63,655 08 | 23,000 00 |
| March, - - | 1,150,000 00 | 66,773 16 | 23,000 00 |
| April, - - | 1,150,000 00 | 42,888 34 | 23,000 00 |
| May, - - | 1,150,000 00 | 35,023 40 | 23,000 00 |
| June, - - | 1,150,000 00 | 21,396 93 | 23,000 00 |
| July, - - | 1,150,000 00 | 18,514 67 | 23,000 00 |
| August, - - | 1,150,000 00 | 31,776 80 | 23,000 00 |
| September, - - | 1,150,000 00 | 28,530 62 | 23,000 00 |
| October, - - | 1,150,000 00 | 37,084 04 | 23,000 00 |
| November, - - | 1,150,000 00 | 35,410 60 | 23,000 00 |
| December, - - | 1,150,000 00 | 32,975 73 | 23,000 00 |

| 1838. | Profit and loss. | Discounts and premiums. | Dividends unclaimed. |
|---|---|---|---|
| January, - - | 3,828 13 | 5,555 11 | 1,324 00 |
| February, - - | 3,828 13 | 27,363 58 | 1,249 00 |
| March, - - | 3,828 13 | 51,622 36 | 1,249 00 |
| April, - - | 3,828 13 | 57,675 77 | 1,219 00 |
| May, - - - | 3,828 13 | 66,696 98 | 1,219 00 |
| June, - - - | 3,828 13 | 75,127 88 | 1,219 00 |
| July, - - - | 10,059 97 | 6,312 07 | 52,039 00 |
| August, - - | 10,059 97 | 11,472 60 | 23,944 00 |
| September, - - | 10,059 97 | 18,594 37 | 3,554 00 |
| October, - - | 10,059 97 | 25,608 23 | 1,474 00 |
| November, - - | 10,059 97 | 35,955 80 | 1,349 00 |
| December, - | 10,059 97 | 43,124 12 | 1,349 00 |

| 1838 | Circulation. | Individual depositors. | Treasurer of Ky. |
|---|---|---|---|
| January, - - | 75,790 00 | 28,373 43 | |
| February, - - | 97,000 00 | 90,143 04 | |
| March, - - | 234,250 00 | 113,761 89 | |
| April, - - | 249,518 00 | 136,108 40 | |
| May, - - | 327,635 00 | 116,925 19 | 24,799 17 |
| June, - - | 368,209 00 | 99,639 58 | 369 17 |
| July, - - | 372,822 00 | 75,804 08 | 6,119 17 |
| August, - - | 336,519 00 | 89,775 11 | 6,119 17 |
| September, - - | 334,610 00 | 106,807 07 | 369 17 |
| October, - - | 391,389 00 | 93,963 02 | 369 17 |
| November, - - | 465,667 00 | 98,646 44 | 369 17 |
| December, - - | 468,514 00 | 94,579 89 | 369 17 |

STATEMENT OF BANK OF LOUISVILLE—Continued.

LIABILITIES.

| 1838 | Commissioners Sinking Fund. | Total. |
|---|---|---|
| January, - - - - | – | 1,356,067 41 |
| February, - - - - | – | 1,456,238 83 |
| March, - - - - | – | 1,644,484 54 |
| April, - - - - | – | 1,664,237 64 |
| May, - - - - | – | 1,749,126 87 |
| June, - - - - | – | 1,742,789 69 |
| July, - - - - | – | 1,714,670 96 |
| August, - - - - | – | 1,682,666 65 |
| September, - - - - | 5,750 00 | 1,681,275 20 |
| October, - - - - | – | 1,732,947 43 |
| November, - - - - | – | 1,820,457 98 |
| December, - - - - | – | 1,823,971 88 |

## LOUISVILLE SAVINGS INSTITUTION.

LOUISVILLE SAVINGS INSTITUTION,
*December* 22, 1838.

The following answers are given to the interrogatories propounded to the officers of this Institution by the Committee of the Senate and House of Representatives of the Commonwealth of Kentucky:

QUESTION 1.—Has your Institution complied with the second and third sections of the act, approved the 16th February, 1838, "entitled, an act dispensing with quarterly, and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State?"

ANSWER.—We believe the law has been complied with since the Institution received advice of its passage.

QUESTION 2.—Will the reports of your Institution, to the Secretary of State, exhibit the true condition of the Institution at the close of each month, from the 1st of January, 1838, to 1st January, 1839, and if they will not, then exhibit such a statement in connection with your answer to this question?

ANSWER.—Yes.

QUESTION 3.—Has the business of your Institution been conducted on good and safe securities?

ANSWER.—Yes.

QUESTION 4.—What amount of bad debts have you made since your Institution went into operation, and what amount of bad debts have been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—The amount carried to the debit of profit and loss account since the Institution commenced business, is $2,980 32, independent of the expenses of the Institution, the amount paid for inerest on special deposits, and the amount of the contingent fund.

QUESTION 5.—What amount of debts due your Institution are considered doubtful?

ANSWER.—Thirty five dollars.

QUESTION 6.—Has the deferred debt in your Institution been reduced in accordance with the terms on which they were deferred?

ANSWER.—The Institntion has no deferred debt, unless the debts on accommodation notes are so considered. These, when not paid at maturity, have been reduced from ten to twenty five per cent. on every renewal.

QUESTION 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded a greater profit, say how much, or what per cent., and if not, then say why it has been employed in exchange?

ANSWER.—It has yielded more. The exact difference it would be difficult to ascertain. A portion of the means of the Institution is employed in exchange, to give greater facility to trade; and because this manner of employment, affords a more punctual return of the money invested, as Bills of Exchange are not, like accommodation and other notes, expected to be renewed, or paid by instalments.

QUESTION 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

ANSWER.—Yes.

QUESTION 9.—Has the Institution when applied to for a loan of money, ever refused by way of discount, and given it on Bills of Exchange, for the sake of the exchange over and above the interest?

ANSWER.—No.

QUESTION 10.—Has the Institution purchased Bills of Exchange, and taken off the interest and exchange with an understanding that the Bills were not to be sent for collection, but to be retained and paid at the Institution at maturity?

ANSWER.—No.

QUESTION 11.—Has the Institution ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—No.

QUESTION 12.—Has the Institution discounted notes or Bills of Exchange, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank of Kentucky?

ANSWER.—The Institution has sometimes paid the proceeds of discounted notes and bills in Kentucky, Cincinnati, Indiana, and Illinois Bank notes, indiscriminately—sometimes specially, when these several descriptions of Bank notes were received in payment of debts, and on deposit at par.

QUESTION.—Why has your Bank charged one half of one per cent. exchange between different places in your State?

ANSWER.—To cover the expenses of collection, and the loss of interest after payment, until the amount can be returned and made available?

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans, and other places in the South?

ANSWER.—This Institution, after the suspension in 1837, declined, until recently, the purchase of bills on the South, owing to the great depreciation of the southern currency. At present the rate of exchange on New Orleans is about the same it was before the general suspension of specie payments in 1837.

QUESTION 15.—Has your Bank extended accommodations to citizens of your city and county, in preference to the citizens of other counties, where the notes or bills offered, from such other counties, were equally good?

ANSWER.—No.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to citizens of Louisville and of Jefferson county, and the aggregate amount to citizens of other counties separately?

ANSWER.—Not conveniently. To the management of the Institution, such an exhibit would be useless; and as it was not anticipated that occasion might ever arise to make it necessary, the books were kept without any view to it. We think, however, that the amount loaned to persons residing out of the city is about one tenth or one twelfth part of the entire loans of the Institution.

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank; and if so, say why?

ANSWER.—No.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers as required by your charter, and if not, say why it was omitted?

ANSWER.—Yes.

QUESTION 19.—Have you any suspended debt, and what amount, and has it been promptly and carefully attended to by your officers?

ANSWER.—The Institution has a suspended debt of thirty five dollars, which is in suit for collection.

QUESTION 20.—We call your attention to the questions stated in the resolution of the Legislature, February, 1836–'7, and your answers thereto may be referred to by you as the answers to some of the foregoing questions?

ANSWER.—The following statements furnish all the information, (required by the resolution referred to,) not embraced in the answers to the foregoing questions:

The stock of the Institution is owned by 138 individuals, and two incorporated companies.

During the present year, the Institution has declared two dividends—one of six per cent. on the first Monday of January, and the other of five per cent. on the first Monday in July.

The amount of discounted Bills of Exchange returned protested during the present year, is $9,432 89, all of which were taken up immediately on their return.

Clastification of notes, at present under discount, in the Institution:

| | | | | |
|---|---|---|---|---|
| 60 | are | $100 and less; | | |
| 289 | are from | 100 | to | $500 |
| 44 | are from | 500 | to | 1,000 |
| 6 | are from | 1,000 | to | 1,500 |
| 2 | are from | 1,500 | to | 2,000 |
| 3 | are from | 2,000 | to | 2,500 |
| 2 | are from | 2,500 | to | 3,000 |
| 1 | are from | 3,000 | to | 3,500 |
| Total, 407 | | | | |

G. W. MERIWETHER, *Prest.*
JONAS H. ROHRER, *Treas.*

TABLE *showing the condition of the Louisville Savings Institution, at the end of each month, from* 1*st January*, 1838, *to December* 25, 1838, *taken from the weekly statements of the Institntion nearest the end of each month.*

RESOURCES.

| 1838 | Bills discounted. | Bills of exchange. | Suspended debt. |
|---|---|---|---|
| January, - - | 145,221 67 | 40,461 22 | 150 00 |
| February, - - | 151,995 15 | 48,806 64 | 150 00 |
| March, - - | 147,888 23 | 51,524 49 | 150 00 |
| April, - - | 137,286 40 | 51,345 35 | 150 00 |
| May, - - | 138,327 34 | 48,144 04 | 150 00 |
| June, - - | 139,954 23 | 51,389 67 | 150 00 |
| July, - - | 141,946 69 | 54,736 32 | 150 00 |
| August, - - | 147,479 28 | 49,824 34 | 150 00 |
| September, - - | 140,290 85 | 52,893 73 | 150 00 |
| October. - - | 131,653 29 | 74,917 09 | 50 00 |
| November, - - | 134,022 00 | 85,721 48 | 35 00 |
| December, - - | 129,957 03 | 80,682 02 | 35 00 |

LOUISVILLE SAVINGS INSTITUTION—Continued.

RESOURCES.

| 1838. | Int. on deposit. and expenses. | Real estate. | Due from Banks. |
|---|---|---|---|
| January, - - | 89 88 | 10,000 00 | 37,091 49 |
| February, - - | 416 23 | 10,000 00 | 36,148 69 |
| March, - - | 509 13 | 10,000 00 | 20,979 31 |
| April, - - | 1,081 93 | 10,000 00 | 36,613 45 |
| May, - - - | 1,766 99 | 10,000 00 | 34,225 87 |
| June, - - - | 1,846 93 | 10,000 00 | 23,120 58 |
| July, - - - | 423 65 | 10,000 00 | 83,077 37 |
| August, - - | 1,345 45 | 10,000 00 | 59,362 13 |
| September, - - | 1,505 15 | 10,000 00 | 56,014 20 |
| October, - - | 2,353 55 | 10,000 00 | 50,998 26 |
| November, - - | 2,463 68 | 10,000 00 | 43,254 34 |
| December, - - | 2,627 46 | 10,000 00 | 46,648 12 |

| 1838 | Due from superintendents on riv. | Cash in transitu. | Specie. |
|---|---|---|---|
| January, - - | 2,412 55 | 4,981 01 | 151,343 59 |
| February, - - | 1,326 57 | 4,981 01 | 145,284 03 |
| March, - - | 6,326 57 | – | 159,018 42 |
| April, - - | 6,326 57 | – | 169,805 12 |
| May, - - | 17,620 07 | – | 203,547 09 |
| June, - - | 48 00 | – | 250,636 32 |
| July, - - | 48 00 | – | 177,599 65 |
| August, - - | 93 50 | – | 26,450 79 |
| September, - - | 41 00 | – | 36,130 60 |
| October, - - | 41 00 | – | 57,961 82 |
| November, - - | 41 00 | – | 74,889 58 |
| December, - - | 41 00 | – | 129,108 49 |

| 1838 | Bank notes and Treasury notes. | Total. |
|---|---|---|
| January, - - - - | 27,335 00 | 419,086 41 |
| February, - - - - | 16,785 00 | 415,893 32 |
| March, - - - - - | 69,380 00 | 465,776 15 |
| April, - - - - - | 100,200 00 | 512,808 82 |
| May, - - - - - | 55,408 00 | 509,189 40 |
| June, - - - - - | 36,900 00 | 514,045 73 |
| July, - - - - - | 32,760 00 | 500,741 68 |
| August, - - - - - | 61,400 00 | 356,105 49 |
| September, - - - - | 55,575 00 | 352,600 53 |
| October, - - - - | 78,950 00 | 406,925 01 |
| November, - - - - | 75,000 00 | 425,427 08 |
| December, - - - - | 162,100 00 | 561,199 12 |

## Louisville Savings Institution—Continued.

LIABILITIES.

| 1838 | Capital st'k. | Contingent fund. | Deposits at 4 per ct. int'st. | Individual deposits. |
|---|---|---|---|---|
| January, | 104,736 | 15,709 40 | 32,827 93 | 113,906 62 |
| February, | 104,736 | 15,709 40 | 32,217 93 | 116,039 40 |
| March, | 104,776 | 15,715 40 | 31,442 93 | 143,350 98 |
| April, | 104,812 | 15,720 80 | 45,562 93 | 140,247 52 |
| May, | 104,812 | 15,720 80 | 44,822 97 | 164,504 85 |
| June, | 104,882 | 15,731 30 | 42,720 47 | 165,413 59 |
| July, | 104,904 | 15,734 60 | 42,160 72 | 149,971 24 |
| August, | 104,940 | 15,740 00 | 39,222 13 | 136,898 86 |
| September, | 104,940 | 15,740 00 | 44,292 13 | 73,365 90 |
| October, | 104,940 | 15,740 00 | 44,377 13 | 85,170 12 |
| November, | 104,940 | 15,740 00 | 41,663 13 | 93,558 72 |
| December, | 104,940 | 15,740 00 | 41,152 13 | 86,482 82 |

| 1838 | Other deposits. | Profit & loss, and dis. exc. & in'st. | Unclaimed dividends. |
|---|---|---|---|
| January, | 5,444 00 | 2,958 19 | 1,902 79 |
| February, | 5,710 50 | 4,542 38 | 843 67 |
| March, | 710 50 | 6,035 83 | 560 73 |
| April, | 1,644 00 | 7,284 95 | 398 13 |
| May, | 3,281 75 | 11,019 62 | 398 13 |
| June, | 4,281 75 | 12,216 80 | 292 01 |
| July, | 4,115 75 | 6,683 79 | 2,169 91 |
| August, | 1,069 75 | 8,690 47 | 984 21 |
| September, | 932 00 | 9,724 00 | 785 91 |
| October, | 4,332 00 | 11,190 91 | 749 41 |
| November, | 527 79 | 12,630 42 | 720 11 |
| December, | 527 79 | 14,013 23 | 658 71 |

| 1838 | Treasurer U. S. & public offic'rs. | Due to Banks. | Total. |
|---|---|---|---|
| January, | 116,968 94 | 24,632 54 | 4198,06 41 |
| February, | 120,497 16 | 15,596 88 | 415,893 32 |
| March, | 97,839 52 | 65,344 26 | 465,776 15 |
| April, | 149,605 10 | 47,533 39 | 512,808 82 |
| May, | 135,436 24 | 29,193 04 | 509,189 40 |
| June, | 138,358 59 | 30,149 22 | 514,045 73 |
| July, | 160,499 72 | 14,501 95 | 500,741 68 |
| August, | 29,451 91 | 19,108 16 | 356,105 49 |
| September, | 85,040 54 | 17,780 05 | 352,600 53 |
| October, | 117,078 67 | 23,347 37 | 406,925 01 |
| November, | 132,297 06 | 23,349 85 | 425,427 08 |
| December, | 279,274 04 | 18,410 40 | 561,199 12 |

## MECHANICS' SAVINGS INSTITUTION OF LOUISVILLE.

MECHANICS' SAVINGS INSTITUTION OF LOUISVILLE,
*December* 31, 1838.

The officers of the Mechanics' Savings Institution of Louisville respectfully make the answers following, to the several questions submitted to them by the Honorable the Committee of the Senate and House of Representatives of Kentucky:

QUESTION 1.—Has the Louisville Mechanics' Institution complied with the 2d and 3d sections of the act, approved the 16th February, 1838, entitled, an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State?

ANSWER.—Monthly statements have been transmitted to the Secretary of State, though not regularly, under the impression that they would not be required until the meeting of the Legislature.

QUESTION 2.—Will the reports of your Bank to the Secretary of State exhibit the true condition of said Bank at the close of each month, from the 1st January, 1838, to the 1st January, 1839, and if they will not, then exhibit such a statement in connection with your answer to this question?

ANSWER.—The returns, as made, do show, as we believe, the true condition of the Institution.

QUESTION 3.—Has the business of the Bank been transacted on good and safe security?

ANSWER.—Yes, we consider them entirely so.

QUESTION 4.—What amount of bad debts have you made since you went into operation, and what amount of bad debts has been carried to the account of profit and loss, and what other sums have been carried to said account?

ANSWER.—It is believed that no bad debts have been made, none have been taken to account of profit and loss.

QUESTION 5.—What amount of debts due your Bank are considered doubtful?

ANSWER.—We do not consider any debt due to the Institution at all doubtful; in this, however, we may be mistaken; the notes due are generally small in amount, say from $25 to $300, very few over the latter sum, excepting stock notes and notes consolidated for renewal.

QUESTION 6.—Has the deferred debt in the Bank been reduced in accordance with the terms on which they were deferred?

ANSWER.—There are no deferred debts due to the Institution.

QUESTION 7.—Has that part of the capital employed in exchange yielded a greater profit than the part employed in direct loans, and if it has yielded

a greater profit, how much, or what per cent., and if it has not, why has it been employed in exchange?

ANSWER.—The Institution has done but little exchange business, not having, at any one time, an amount over $20,000 on account of exchange, which has yielded a greater profit than by direct loan, what per cent. over, it is difficult to say with certainty.

QUESTION 8.—Is there greater punctuality in paying Bills of Exchange, than in paying notes discounted?

ANSWER.—From the experience we have had, we are inclined to believe that bills of exchange are met fully as promptly, if not more so, than notes discounted; only *one* bill having ever been returned unpaid, and that promptly taken up.

QUESTION 9.—Has the Bank, when applied to for loans of money, ever refused it by way of discount, and given it on Bills of Exchange for the sake of the exchange over and above the interest?

ANSWER.—We know of no case of an individual being refused accommodation by regular discount, and afterwards accommodated by bill of exchange.

QUESTION 10.—Has the Bank purchased Bills of Exchange, and taken off the interest and exchange, with an understanding that the bills were not to be sent for collection, but to be retained and paid at the Bank at maturity?

ANSWER.—No.

QUESTION 11.—Has the Bank ever taken a greater rate of interest than one per cent. for every sixty days?

ANSWER.—The Institution has charged interest only as is allowed by the 9th section of the act of its incorporation, according to the rules laid down in Rowlett's table of interest.

QUESTION 12.—Has the Bank discounted notes, or bills, with an understanding that the amount was to be taken in notes of less value than the notes of the Bank of Kentucky?

ANSWER.—No bank notes have been paid out on account of bills discounted, or for the purchase of bills of exchange, but such as were received on deposit and for the payment of debts, at par with the notes of the Bank of Kentucky.

QNESTION 13.—Why does your Bank charge one half of one per cent. exchange between different places in your own State?

ANSWER.—Because of the risk and expense of remittances, and of the and of the length of time that such funds are often not available.

QUESTION 14.—Why has your Bank charged so high a rate of exchange on New Orleans and other places in the South?

ANSWER.—We have purchased no exchange upon New Orleans, or any other place in the south.

QUESTION 15.—Has your Bank extended accommodations to the citizens of your city and county, in preference to the citizens of other counties, when the notes and bills offered from such other counties were equally good?

ANSWER.—The institution has made no such distinction.

QUESTION 16.—Can you state and exhibit the aggregate amount loaned to

citizens of Louisville, and the aggregate amount to citizens of other counties, separately?

ANSWER.—Not more than half a dozen applications, if that, have ever been made to this Institution for loans, by persons residing out of the city.

QUESTION 17.—Has your Bank neglected to fill any vacancy in the Directory of the Bank, and if so, say how long the vacancy was suffered to exist, and why?

ANSWER.—We remember of no vacancies having occurred.

QUESTION 18.—Has your Bank regularly counted the cash, and examined the bonds of the officers, as required by your charter, and if you have not, say why it was omitted?

ANSWER.—We have regularly counted the cash and examined the bonds of the officers.

QUESTION 19.—Has your suspended debt been promptly and carefully attended to by your officers?

ANSWER.—It has.

QUESTION 20.—Your attention is called to the resolution of the Legislature of 1837, and your answers to that resolution, so far as they are a reply to to foregoing questions, may be referred to by you as your answer to that extent?

ANSWER.—In answer to this question, we make the following statement which, in addition to the foregoing, and our monthly reports, we believe to be all that is required by the resolution referred to. The stock of this Institution is owned by one hundred and forty eight persons, none but one of whom own over $2,000 of stock. The Institution has declared four dividends since it went into operation, three of four per cent. and one of three per cent.

Classification of notes at present under discount in the Institution.

| | | |
|---|---|---|
| 297 | notes of | $ 100, and under. |
| 519 | " from | 100 to 500. |
| 15 | " from | 500 to 1,000. |
| 1 | " from | 1,000 to 1,500. |

832 notes due by 378 individuals as principals,

S. GWATHMEY, *Pres't.*
H. S. JULIAN, *Treasurer.*
JESSE CHRISTIE, *Secretary.*

TABLE *showing the condition of the Mechanics' Savings Institution of Louisville, at the end of each month, from the* 1st *January*, 1838, *to the* 1st *January*, 1839, *taken from the weekly statements of the Institution nearest the end of each month.*

RESOURCES.

| DATE. | Bills discounted. | Bills of Exchange. | Interest and expense account. |
|---|---|---|---|
| January, | 133,475 70 | – | 614 30 |
| February, | 140,789 80 | – | 818 57 |
| March, | 143,735 08 | 911 28 | 965 39 |
| April, | 138,563 11 | 2,512 61 | 1,265 00 |
| May, | 137,853 06 | 2,897 25 | 1,293 54 |
| June, | 146,228 20 | 4,678 66 | 1,498 02 |
| July, | 139,762 01 | 6,385 76 | 772 60 |
| August, | 140,632 04 | 7,820 85 | 976 76 |
| September, | 145,254 99 | 8,226 92 | 1,163 46 |
| October, | 143,323 82 | 11,185 37 | 1,467 26 |
| November, | 144,088 60 | 15,251 12 | 1,854 36 |
| December, | 145,845 39 | 20,415 11 | 2,006 55 |

| DATE. | Real estate. | Due from Banks. | Due from T'r City of Louisville. |
|---|---|---|---|
| January, | 5,367 60 | – | 244 73 |
| February, | 5,367 60 | – | 415 13 |
| March, | 5,367 60 | 738 90 | |
| April, | 5,367 60 | 288 41 | |
| May, | 5,367 60 | 163 41 | 1,308 83 |
| June, | 5,507 35 | – | 2,422 14 |
| July, | 5,507 25 | 610 00 | 163 56 |
| August, | 5,607 35 | 609 55 | 692 16 |
| September, | 5,734 75 | 1,994 66 | 907 73 |
| October, | 10,555 91 | 2,415 99 | 702 38 |
| November, | 11,201 16 | 4,095 36 | 1,478 64 |
| December, | 12,148 96 | 5,513 09 | 1,137 41 |

## Mechanics' Savings Institution—Continued.

RESOURCES.

| DATE. | City of Louisville Sk'g Fund. | Bank notes and silver. | Total. |
|---|---|---|---|
| January, | – | 27,589 08 | 167,291 41 |
| February, | – | 25,631 41 | 173,022 51 |
| March, | – | 20,073 92 | 171,792 17 |
| April, | – | 25,903 67 | 173,869 40 |
| May, | – | 23,473 58 | 172,357 27 |
| June, | – | 46,494 24 | 206,828 61 |
| July, | – | 25,056 61 | 178,257 89 |
| August, | – | 20,318 42 | 176,657 13 |
| September, | 194 53 | 29,259 08 | 192,736 12 |
| October, | – | 33,704 53 | 203,355 26 |
| November, | – | 26,580 01 | 204,549 25 |
| December, | – | 40,426 65 | 227,493 16 |

LIABILITIES.

| DATE. | Capital Stock. | Special deposits at interest. | Individual trancient deposits. | Wk'y dep's. |
|---|---|---|---|---|
| January, | 82,850 | 8,762 68 | 42,244 23 | 914 |
| February, | 82,850 | 9,580 68 | 53,643 64 | 1,142 |
| March, | 82,850 | 13,787 68 | 44,194 67 | 1,344 |
| April, | 82,850 | 15,527 68 | 42,326 80 | 1,493 |
| May, | 82,850 | 14,574 68 | 47,938 12 | 1,637 |
| June, | 82,850 | 14,371 58 | 77,774 91 | 4,615 |
| July, | 88,200 | 14,571 58 | 45,830 18 | 875 |
| August, | 88,200 | 21,009 58 | 32,229 04 | 1,013 |
| September, | 88,200 | 22,271 58 | 45,470 48 | 1,168 |
| October, | 87,225 | 23,291 58 | 60,757 88 | 1,368 |
| November, | 87,825 | 22,154 00 | 49,975 32 | 1,642 |
| December, | 87,975 | 23,126 00 | 69,921 12 | 4,402 |

## Mechanics' Savings Institution—Continued.

LIABILITIES.

| DATE. | Discounts and Premiums. | Due to Banks. | Due T'r C'y of Louisville. |
|---|---|---|---|
| January, | 1,349 87 | 29,557 12 | |
| February, | 1,902 67 | 22,531 51 | |
| March, | 2,623 43 | 24,146 74 | 1,529 14 |
| April, | 2,919 60 | 26,787 33 | 883 48 |
| May, | 4,207 03 | 20,126 93 | |
| June, | 5,088 82 | 21,714 18 | |
| July, | 549 44 | 23,745 07 | |
| August, | 1,078 83 | 28,335 91 | |
| September, | 1,906 46 | 32,309 23 | |
| October, | 3,248 53 | 24,584 18 | |
| November, | 4,088 92 | 33,920 84 | |
| December, | 4,873 03 | 26,124 61 | |

| DATE. | Unclaimed dividends. | City Louisville Sk'ng Fund. | Total. |
|---|---|---|---|
| January, | 1,613 51 | – | 167,291 41 |
| February, | 1,372 01 | – | 173,022 51 |
| March, | 1,316 51 | – | 171,792 17 |
| April, | 1,081 51 | – | 173,869 40 |
| May, | 1,023 51 | – | 172,357 27 |
| June, | 414 12 | – | 206,828 61 |
| July, | 1,691 37 | 2,795 25 | 178,257 89 |
| August, | 1,465 87 | 3,324 90 | 176,657 13 |
| September, | 1,410 37 | – | 192,736 12 |
| October, | 1,350 37 | 1,529 72 | 203,355 26 |
| November, | 1,335 12 | 3,608 05 | 204,549 25 |
| December, | 871 87 | 10,199 53 | 227,493 16 |

## THE LOUISVILLE GAS AND WATER COMPANY.

OFFICE LOUISVILLE GAS AND WATER COMPANY,
*December* 24, 1838.

GENTLEMEN:

Your favor of the 23d instant, inclosing questions in relation to this Institution is received, to which I have the pleasure to hand you the following answers:

QUESTION 1.—What amount of stock has been subscribed by the city of Louisville?

ANSWER—4,000 shares.

QUESTION 2.—What amount of stock has been subscribed by individvals and corporations, other than the city of Louisville?

| | | |
|---|---|---|
| ANSWER.—Individual subscriptions, - - - | 2,500 | shares. |
| By the Marine and Fire Insurance company, | 200 | do. |
| By the Firemen's do. do. | 200 | do. |
| By the Franklin do. do. | 100 | do. |
| In the aggregate, - - - | 3,000 | |

QUESTION 3.—When were the books of subscription closed, and when the first Board of Directors chosen?

ANSWER.—The books of subscription was closed July 24, 1838, and the first Board of Directors chosen August 3, 1838.

QUESTION 4.—What payments has the city made on her stock, and what payments has she yet to make?

ANSWER.—The city of Louisville executed her bonds for $200,000, bearing interest at 6 per cent., per annum, in payment of her subscription to the extent of 2,000 shares; the residue of her stock to be paid for by applying the excess of her dividends, first discharging the interest on her bonds.

QUESTION 5.—What payments have the other stockholders made, and what payments have they yet to make on their stock?

ANSWER.—Three instalments of $5 each is due, and paid by the other stockholders, (with a very few exceptions;) a fourth instalment of $5 will fall due January 24, 1839; the residue, say 80 per cent., is payable in 10 per cent. calls each, July and January thereafter, until the entire stock is paid, which requires four years from January, 1839.

QUESTION 6.—What use will the company be able to make of the city bonds taken, and to be taken, in payment of city stock?

ANSWER.—The present order of the Board is to hypothecate the bonds on a loan of money, if to be had; they are, as yet, held as a 6 per cent. fund by this Institution.

QUESTION 7.—When did the company commence operations as a banking company?

Answer.—On Monday, the 26th day of November, confining their business to the purchase of Bills of Exchange, and Bank note exchange.

Question 8.—What step have the company taken to commence the work of lighting the city of Louisville with gas?

Question 9.—Has the company had a plan of the proposed gas works made out, and an estimate of the costs, and if so, what is the estimated costs?

Answer.—In reply to these interrogatories, I take pleasure in stating that this branch of the subject has been looked upon with peculiar interest by this institution; accordingly the first order of the Board was to direct the President to open a correspondence with such persons in Philadelphia, New York, or Boston, as would most likely afford the best information as to the best mode of establishing gas works in this city. In conformity with said order, I instituted a correspondence with gentlemen at the places above named, all of which were not in a very satisfactory manner, and without a dissenting suggestion all concur in referring to the projector of the Philadelphia Gas Works, as the most desirable person in our country to undertake such a work. I accordingly addressed S. V. Merrick, Esq., of Philadelphia, to know if he would undertake the work; in his reply, I have his promise to undertake the work, and that he will be with us in time to give an early start in the coming spring. No estimate can be made of the costs of the work until the location is made, from which to commence a survey—nothing further can be done until the arrival of Mr. Merrick, to whose superintendence the work will be submitted, and in whom this community have the highest guarrantee of a satisfactory result.

Question 10.—Will the payments from individual stockholders be sufficient to construct the Gas Works, within the three years, without selling the city bonds?

Answer.—The payments on stock due in the month of January, and already made, amount to $60,000, every dollar of which, from the character of the stock list, will be promptly paid. On the 1st of July and January successively, thereafter, will be due a further sum of $30,000, making an increase of $60,000 annually, which I conceive will be more than sufficient to meet all the disbursements in the erection of the works.

Question 11.—What number of officers has your company, and what the aggregate of their sallaries?

Answer.—A president, cashier, and 1 clerk, are all the officers now employed by the Institution; the aggregate salaries of the two latter is $2,700. No salary as yet allowed the president.

Question 12.—What will be the salary of your chief engineer, and what the salary of the assistant?

Answer.—The professional services of the engineer is fixed at $3,000, and travelling expenses, for the saperintendence of the entire work. No fixed sum for the immediate superintendent is determined upon.

Question 13.—What is the rent of your banking house, and what is the estimated amount of your incidental expenses?

The building occupied is the property of the Institution, purchased for the sum of $30,100; repairs and fixtures will increase the sum to about

$33,000, interest on which is $1,980, from which deduct $1,100 for rents of a portion of said property not occupied by the Institution, and there remains $880, and taxes, &c. to be paid by the Institution, which sum is expected to be still further reduced, so soon as the whole property can be placed in a tenantable condition.

Incidental expenses may be placed at $400 to $500 per annum.

Very respectfully,

Your obedient servant,

L. L. SHREVE, *Prest.*

To Messrs. GUTHRIE, TRIMBLE, } *Committee.*

# REPORT

OF THE

# COMMITTEE ON THE EXPENDITURES

OF THE

# BOARD OF INTERNAL IMPROVEMENT.

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The Committee "on the expenditures of the Board of Internal Improvement" believing it to be their duty to examine with care, the laws making appropriations to purposes of Internal Improvement; and, also, to examine the various reports of the Board of Internal Improvement, Engineers, and all others relating to the subject of expenditures for the purposes above mentioned, have performed that duty, and beg leave to say, that they have made the examinations alluded to, with a view more especially to ascertain whether any works have been undertaken, except such as have been authorized by acts of the Legislature; and, also, whether any improper expenditures have been made, upon works regularly authorized to be undertaken by the Legislature. We believe that to guard the Commonwealth against abuses of this character, and to act as the supervisory organ of the peoples' representatives, was the principal object of the institution of this Committee.

In the discharge of this duty, the Committee have not thought proper, by interrogatories addressed to the Board of Internal Improvement, to elicit, by answers, the details relative to the various expenditures, the plan adopted by their predecessors, at the last session of the Legislature. Then it was necessary, because no report of these details had been made to the Legislature, either by the Board of Internal Improvement, or by the Engineers. Now it is otherwise; reports have been received from both these sources, and to such of them as it may be required, we beg leave to refer, for such details as it may be necessary to call the attention of the Legislature to, and to facilitate the examination of these details, we have thought proper to classify and arrange the expenditures, each under its own appropriate head.

To point out the utility of some works of improvement, the inutility of others, and to offer our views relative to the present organization of the Engineer Department, and the suitableness of the salaries of the Engineers;

the necessity of the present number, or the adequacy of a less number to discharge the duties which shall hereafter be assigned them, are all considerations which come more properly under the notice of another Committee. We beg leave, however, to suggest our convictions of the importance of making appropriations to no new work until the completion of such as have already been begun, has been effected.

Our system of Internal Improvement consists mainly in turnpike and railroads, and in slack water navigation. In addition to these, however, appropriations have been made to roads simply graded, and to rivers for the improvement of their downward navigation only.

The appropriations to rivers have been absolute, while those to roads have been partly absolute and partly conditional. The condition upon which the appropriations to roads have been made, is the subscription of stock upon the part of individuals, who collectively constitute companies of stockholders. The proportion of stock subscribed by these incorporated companies and the State, respectively, is of a two-fold character. The most usual is that of equal parts subscribed by the companies and the State; but, when the country is poor, and the population sparse, the State has thought proper, in some instances, to subscribe for a larger amount of stock than is required of the companies, subscribing on some occasions in the proportion of two for one.

By a resolution of the House of Representatives, so much of the Governor's Message as relates to the expenditures of the Board of Internal Improvement, has been submitted to the consideration of the Committee, the result of which is herewith reported. For the names of the roads and rivers on which improvements have been made, the amount paid towards their improvement, out of the public treasury, the amount paid by the Board of Internal Improvement, in each year, since its establishment, and the total amount paid by the State to roads, rivers and bridges up to the 10th of October, 1838; to which is also added the estimated cost of each road and river, when completed, as far as is contemplated by law, (see statements A and B.) For salaries of Engineers, and other agents, together with some incidental expenses in the improvement of roads and rivers, see report of the Board of Internal Improvement.

The number of Engineers, with their names and salaries, are as follows, to-wit:

| | | |
|---|---|---|
| Sylvester Welch, | Chief Engineer, | $4,000 |
| M. R. Stealy, | Resident Engineer, | 3,000 |
| Alonzo Livermore, | do. | 3,000 |
| N. B. Buford, | do. | 2,500 |
| W. B. Foster, | do. | 2,500 |
| A. Snyder, | do. | 2,500 |
| H. J. Easton, | do. | 1,600 |
| G. R. Eichbaum, | Assistant Engineer, | 1,300 |
| Wm. Moon, | do. | 1,300 |
| David Mitchell, jr. | do. | 1,200 |
| C. F. Taylor, | do. | 800 |
| A. P. Cox, | Secretary, | 1,000 |

By the report of the Board of Internal Improvement to the last Legislature, the amount of money, under its control, was $159,818 42.

By an act of the last Legislature, the Governor was authorized to sell the bonds of the State, for an amount not exceeding $1,250,000. This, added to the amount on hand, as above stated, gives the aggregate sum of $1,409,818 42, for purposes of Internal Improvement, for the year 1838.

All of which is respectfully submitted.

ALFRED ANDERSON, *Chairman.*

A.

| Names of the Roads, Rivers, &c. | Amount paid out of the Public Treasury. | Amount paid by the Board of Internal Improvement in 1835. | Amount paid by the Board of Internal Improvement in 1836. | Amount paid by the Board of Internal Improvement in 1837. | Amount paid by the Board of Internal Improvement in 1838, up to October 10th. | Total amount paid by the State to roads, rivers, bridges, &c. up to 10th October, 1838. | Estimated cost of each road, river, &c. under contract, when finished, as far as contemplated by law. |
|---|---|---|---|---|---|---|---|
| | Dollars. | | | | | | |
| Maysville, Washington, Paris & Lexington road, | 125,000 00 | 19,200 | – | 56,224 13 | 634 48 | 213,200 00 | 426,400 00 |
| Muldrow's Hill turnpike road, - - - - | 11,453 53 | 1,500 | – | 9,213 60 | 4,200 00 | 26,367 13 | 44,943 00 |
| Board of Internal Improvement of Franklin county, (Hardinsvile to Lawrenceburg,) - - - | – | | 5,292 00 | 6,322 00 | 4,400 00 | 16,014 00 | |
| Board of Internal improvement of Anderson county, - - - - - | 18,300 00 | | 8,700 00 | 10,950 00 | 5,000 00 | 42,950 00 | |
| Board of Internal Improvement of Mercer county, | 3,000 00 | 2,800 | 15,099 00 | 14,472 00 | 19,137 00 | 54,508 00 | 315,611 87 |
| Board of Internal Improvement of Lincoln county, - - - - | – | | 14,000 00 | 20,600 00 | 8,220 00 | 42,820 00 | |
| Franklin, Lexington and Versailles turnpike road, | 7,324 37 | 5,000 | 23,000 00 | 42,703 63 | 344 00 | 78,372 00 | 156,744 00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Danville, Lancaster and Nicholasville road, - | 14,500 00 | 15,000 | 24,500 00 | 45,100 00 | 32,354 00 | 131,454 00 | 308,016 09 |
| Board of Internal Improvement of Franklin county, road to Georgetown, | – | 1,490 | 11,000 00 | 2,135 00 | 220 00 | 15,400 00 | 170,189 56 |
| Board of Internal Improvement of Scott county, - | – | 3,070 | 18,195 00 | 12,881 00 | 2,475 00 | 36,621 00 | |
| Wichester and Lexington road, - - - - - | 12,700 00 | – | 12,150 00 | 4,250 00 | 15,545 00 | 44,645 00 | 91,494 62 |
| Covington & Georgetown road, - - - - - | | – | 15,000 00 | 11,000 00 | 7,000 00 | 33,000 00 | 491,000 00 |
| Georgetown & Lexington road, - - - - - | 2,000 00 | – | 18,000 00 | 7,255 00 | – | 27,255 00 | |
| Louisville, to the mouth of Salt river, - - - | 4,725 00 | – | 8,000 00 | 6,231 00 | 1,589 00 | 20,545 00 | 981,282 38 |
| Mouth of Salt river to Elizabethtown, - - - | – | – | 5,630 00 | 14,275 00 | 13,000 00 | 32,905 00 | |
| Elizabethtown to Bell's tavern in Barren county, | – | – | – | – | 16,070 00 | 16,070 00 | |
| Bell's tavern to Bowlinggreen, - - - - | – | – | – | – | 535 00 | 535 00 | |
| Bowlinggreen to the Tennessee line, - - - | – | – | – | – | 723 00 | 723 00 | |
| Mountsterling and Virginia line road, - - | – | – | 12,539 28 | 4,815 00 | 38 00 | 17,392 28 | 22,756 28 |
| Pikeville and Sounding Gap road, - - - | – | – | 3,114 09 | – | 1,000 00 | 4,114 09 | 6,114 09 |
| Mouth of Troublesome and Sounding Gap road, - | – | – | 731 50 | – | – | 731 50 | 731 50 |
| Bardstown and Springfield road, - - - - - | – | – | 18,000 00 | 32,350 00 | 10,100 00 | 60,450 00 | 124,120 50 |

## A.—Continued.

| Names of the Roads, Rivers, &c. | Amount paid out of the Public Treasury. | Amount paid by the Board of Internal Improvement in 1835. | Amount paid by the Board of Internal Improvement in 1836. | Amount paid by the Board of Internal Improvement in 1837. | Amount paid by the Board of Internal Improvement in 1838 up to 10 Oct. | Total amount paid by the State to roads, rivers, bridges, &c. up to 10 October, 1838. | Estimated cost of each road, river, &c. under contract, when finished, as far as contemplated by law. |
|---|---|---|---|---|---|---|---|
| | Dollars. | | | | | | |
| Richmond and Lexington road, | – | – | 9,675 00 | 43,645 00 | 1,500 00 | 54,820 00 | 157,940 00 |
| Crab Orchard and Cumberland Gap road, | – | – | 1,125 75 | 94 00 | – | 1,219 75 | 275,894 00 |
| Owingsville and Big Sandy road, | – | – | – | 27,500 00 | 56,700 00 | 84,200 00 | 197,385 00 |
| Lexington, Harrodsburg & Perryville road, | – | – | – | 22,638 00 | 29,674 00 | 52,312 00 | 313,800 00 |
| Bardstown and Louisville road, | 15,000 00 | 16,000 | 3 ,000 00 | 29,000 00 | – | 98,000 00 | 896,473 66 |
| Bardstown and Green river road | – | – | – | 5,661 00 | 105,697 00 | 111,358 00 | |
| Glasgow and Scottsville road, | – | – | – | – | 17,000 00 | 17,000 00 | |
| Mountsterling and Maysville road, | – | – | – | 7,400 00 | 23,859 00 | 31,259 00 | 334,113 65 |
| Versailles and Anderson county line road, | – | – | – | 7,530 00 | 6,540 00 | 14,070 00 | 70,000 00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| county line road, - - | – | – | – | 7,530 00 | 6,540 00 | 14,070 00 | 15,000 00 |
| Maysville and Bracken road, - - - - | – | – | – | – | – | – | 95,903 00 |
| To improve the State and stage road from the mouth of Salt river to Shawneetown— | | | | | | | |
| Breckinridge county, | – | – | – | 1,000 00 | – | 1,000 00 | 6,000 00 |
| Hancock county, - | – | – | – | – | 1,000 00 | 1,000 00 | 1,500 00 |
| Daviess county, - | – | – | – | 1,000 00 | – | 1,000 00 | 1,500 00 |
| Henderson county, - | – | – | – | – | 1,000 00 | 1,000 00 | 1,500 00 |
| Bridge across Richland creek in Hopkins county, - - - - | – | – | – | 100 00 | – | 100 00 | 100 00 |
| Board of Internal Improvement of Franklin county, road to Louisville, - | 20,000 00 | – | – | – | – | 20,000 00 | 130,000 00 |
| Board of Internal Improvement of Shelby county, road to Louisville, - | 45,000 00 | – | – | – | – | 45,000 00 | |
| Lexington & Ohio railroad, | – | – | 20,000 00 | 133,333 33 | 46,666 67 | 200,000 00 | 2,000,000 00 |
| Green river railroad, - | – | – | – | 1,903 00 | – | 1,903 00 | 1,903 00 |
| Kentucky river, to remove fish dams, &c. &c. - | – | – | – | 4,735 00 | – | 4,735 00 | 4,735 00 |
| Green and Barren river navigation, - - - | 33,500 00 | 50,000 | 40,000 00 | 141,693 90 | 146,680 25 | 411,874 15 | 1,292,000 00 |
| Kentucky river navigation, | – | – | 5,108 26 | 74,343 51 | 97,797 92 | 177,249 69 | 2,297,416 00 |
| Licking river navigation, | – | – | 1,273 48 | 1,026 93 | 11,236 89 | 13,537 30 | 2,036,000 00 |
| | $312,502 90 | 114,060 | 328,688 36 | 803,381 03 | 687,936 21 | 2,258,709 89 | 13,253,568 08 |

NOTE.—$12,141 39 of the sum paid to the Maysville road, was out of tolls due the State, upon her stock in said road, previous to the establishment of a Sinking Fund.

(B.)

| | |
|---|---|
| Whole sum expended on works of Internal Improvement up to, and including, the 10th of Oct. 1838, | $2,258,709 89 |
| Add this sum, paid for manufacture of hydraulic lime, several thousand barrels of which is now on hand, - - | 64,188 20 |
| | $2,322,898 09 |

| | |
|---|---|
| Of which sum there was paid out of the Public Treasury, previous to the organization of the Board of Internal Improvement, this sum, - - - - - | $ 312,502 90 |
| By the Board of Internal Improvement, - - - | 1,998,253 80 |
| By State's portion of tolls upon her stock in Maysville road, previous to establishment of Sinking Fund, (see Session acts of 1836–'7, pages 244 and 318.) - - - - | 12,141 39 |
| | $2,322,898 09 |

| | |
|---|---|
| There has been paid to the Commissioners for improving navigation of Green and Barren rivers, this sum, - - | $ 411,874 15 |
| To the Kentucky river navigation, this sum, - - | 177,249 69 |
| To the Licking river navigation, this sum, - - - | 13,537 30 |
| For hydraulic lime, chargeable to slack-water navigation, - | 64,188 20 |
| To Lexington and Ohio, and Green river railroad, - - | 201,903 00 |
| To turnpikes and other roads, &c. - - - - | 1,454,145 75 |
| | $2,322,898 09 |

Of the sum paid, above, to the Green and Barren river Commissioners $20,927 52, was expended in surveying and improving of the tributaries, and in paying salaries of Engineers, which is properly chargeable to the Board of Internal Improvement, as the disbursing agents of the State.

| | | |
|---|---|---|
| The estimated cost of work under contract on Green and Barren rivers, - - - - - - - | | 480,000 00 |
| The estimated cost of work under contract on Kentucky river, - - - - - - - - | | 701,405 00 |
| The estimated cost of work under contract on Licking river, | | 491,500 00 |
| | | $1,672,905 00 |
| There has been paid to Green and Barren river Commissioners, - - - - | $411,874 15 | |
| There has been paid to contractors on Kentucky river, - - - - | 177,249 69 | |
| There has been paid to contractors on Licking river, - - - - - | 13,537 30 | 602,661 14 |
| Amount carried forward, - - - | | $1,070,243 86 |

| | | |
|---|---|---|
| Amount brought forward, - | | $1,070,243 86 |
| To this should be added the sum mentioned before by Green River Commissioners, upon tributaries, - | | 20,927 52 |
| | | $1,091,171 38 |
| From which, however, should be deducted this sum, paid for hydraulic lime, as before stated, - - - - | | 64,188 20 |
| Necessary to finish slackwater under contract, - | | $1,026,983 18 |
| Estimated cost of improving Green and Barren rivers, up to Bowlinggreen and Greensburg, - - - | | $1,292,000 00 |
| Estimated cost of improving Kentucky river to Three Forks, | | 2,297,416 00 |
| do. do. Licking river to West Liberty, | | 2,036,000 00 |
| | | $5,625,416 00 |
| Already paid to Green river Com'rs. as stated, | $411,874 15 | |
| Do. Kentucky river, - | 177,249 69 | |
| Do. Licking river, - - | 13,537 30 | |
| Do. for hydraulic lime, - | 64,188 20 | |
| | | 666,849 34 |
| | | $4,958,566 66 |
| Add the before named sum paid by Green river Commissioners to tributaries &c. - - - - - | | 20,927 52 |
| | | $4,979,494 18 |

Five Locks under contract on Kentucky river, water slacked 95.2 miles,

| | |
|---|---|
| Aggregate cost of the five Locks, - - - - | $701,405 00 |
| Average cost of same per mile, - - - - | 7,367 00 |

Kentucky river, up to the Three Forks, a distance of 257.5 miles.

| | |
|---|---|
| Aggregate cost of the whole, - - - - | $2,297,416 00 |
| Average cost of same per mile, - - - - | 8,922 00 |

Five Locks under contract on Licking river, water slacked 51.5 miles.

| | |
|---|---|
| Aggregate cost of the five Locks, - - - | $491,500 00 |
| Average cost of same per mile, - - - - | 9,543 00 |

Licking river up to West Liberty, a distance of 231 miles.

| | |
|---|---|
| Aggregate cost of the whole, - - - - | $2,036,000 00 |
| Average cost of same per mile, - - - - | 8,813 00 |

Five Locks under contract on Green and Barren rivers, water slacked 175 miles.

| | |
|---|---|
| Aggregate cost of the five Locks, - - - | $480,000 00 |
| Average cost of same per mile, - - - - | 2,743 00 |

Green & Barren to Bowlinggreen and Greensburg, a distance of 299 miles.

| | |
|---|---|
| Aggregate cost of the whole, - - - - | $1,292,000 00 |
| Average cost of same per mile, - - - - | 4,321 00 |

Kentucky river under contract, a distance of 95.2 miles.
Licking river, do. do. 51.5 do.
Green & Barren rivers, do. do. 175 do.

Whole distance water slacked by works under contract, - - - 321.7 do.

| | |
|---|---|
| Aggregate cost of works under contract, - - - | $1,672,905 00 |
| Average cost of same per mile, - - - - | 5,200 00 |

Kentucky river up to Three Forks, a distance of 257.5 miles.
Licking river to West Liberty, - - 231 do.
Green and Barren rivers to Bowlinggreen and Greensburg, - - - - 299 do.

787.5

| | |
|---|---|
| Aggregate cost of the whole, - - - - | $5,625,416 00 |
| Average cost of same per mile, - - - - | 7,143 00 |

The works under contract on Licking, Kentucky, and Green & Barren rivers, will slack these streams a distance of 321.7 miles, at an aggregate cost of $1,672,905, or 5,200 per mile. Should these streams be improved as high as West Liberty, on Licking; Bowlinggreen and Greensburg, on Green and Barren rlvers, and to the Three Forks on the Kentucky river, these streams will be slacked 787.5 miles, at an aggregate cost of $5,625,416, or $7,143 per mile.

| | |
|---|---|
| The river improvements are made by the State alone, - | $5,625,416 00 |
| Road from Salt river towards Shawneetown; Owingsville to Big Sandy; Crab Orchard to Cumberland Gap; Mountsterling to Virginia line; Pikesville and mouth of Troublesome to Sounding, made principally by State—will cost - - | 518,216 37 |
| Rail roads, - - - - - - - - | 2,001,903 00 |
| Amount carried forward, - - | $8,145,535 37 |

| | |
|---|---|
| Amount brought forward, - - | $8,145,535 37 |
| Leaving this sum as the estimated cost of the turnpike roads enumerated in the table, - - - - | 5,108,032 71 |
| | $13,253,568 08 |

| | |
|---|---|
| Of the $5,108,032 71 which the turnpike roads, now in progress of completion, will cost, individual and corporate stockholders will pay about this sum, - - - | $2,151,238 09 |
| And the State about this sum, - - - - | 2,956,794 62 |
| | $5,108,032 71 |

| | |
|---|---|
| Of the sum necessary to finish turnpike roads, the State will have to pay about this sum, as before stated, - - | $2,956,794 62 |
| The State has already paid to these roads, - - - | 1,247,753 00 |
| Leaving this sum to be paid by the State, to turnpike roads now being made, - - - - - | $1,709,041 62 |

The aggregate length of the turnpike roads mentioned in the accompanying table, exclusive of the Crab Orchard and Cumberland Gap road, the Owingsville and Big Sandy road, the Mountsterling and Virginia line road, the Pikesville and Sounding Gap road, the mouth of Troublesome and Sounding Gap road, and the road from mouth of Salt river to Shawneetown, which are not, in fact, intended to be stoned, is 799.54 miles.

| | |
|---|---|
| There are already finished - - - - - | 379.62 miles. |
| Do. under contract, - - - - | 274.11 do. |
| Not under contract, - - - - - | 145.81 do. |
| | 799.54 do. |

The part not under contract, lays generally in detached portions on the lines of roads in progress of construction.

# REPORT

OF

# THE COMMITTEE ON THE PENITENTIARY.

---

The Committee on the Penitentiary would submit the following Report:

That, very early in the session, they resolved to propound to the Keeper and Agent, divers inquiries, some of which were embraced in the Resolution passed by this House and referred to them, and many others not embraced in that Resolution. The interrogatories propounded were, in substance, as follows:

1. What are the items composing the account of the Commonwealth, and what those of the Keeper?

2. What is the amount of cash on hand?

3. What amount of bagging and bale rope have been sold since the 10th of March, 1834; the terms upon which they were sold; the amount which has been received for them; the amount now due for these articles, or hereafter to fall due, and when due?

4. What is the mode of keeping the books; the number of clerks heretofore and now employed, and the duty of each?

5. What is the reason why the two clerks, appointed by the Commissioners of the Sinking Fund, have not yet been able to make a correct balance; what was the time of their appointment, and what time have they devoted to the business?

6. When was the payment of $5000 made to the State?

7. What have been the annual net profits of the Institution, from the 10th of March, 1834, to this date?

8. Why has there been so great a variation in the profits in the different years?

9. What are the items composing the outstanding debts due by the Pententiary?

10. What were the terms upon which hemp and other articles were purchased; specify the cash purchases and those on credit; also, the length of credit in each instance?

11. What has been the average annual amount of bagging and bale rope manufactured since the 10th of March, 1834?

12. What are the different branches of manufactures that are now in operation; what the gross profits of each; what amount to be deducted from the gross amount of each branch for materials, &c.?

13. What are the items composing the outstanding debts due to the Penitentiary; set forth the time at which each item fell due or will fall due, and from whom?

14. What is the number of hands employed in each branch of labor—specifying such as are regularly employed in the same branch, and those who are employed in different branches?

15. What is the amount of improvements which have been done on or to the Penitentiary; the time when each improvement was made; the cost of the buildings which have been erected since March, 1834?

16. What is the amount of sales of articles manufactured in the institution; what the amount of such articles used in it?

That, some days after said interrogatories were handed to Mr. Theobald, he returned his answers in writing to each one, as they are numbered. He also inclosed a letter from himself to Thomas S. Page and John T. Pendleton, Esqs., and their answer, which correspondence, together whith his responses, are herewith submitted, marked A, B and C.

Subsequently, the committee applied for, and received, the books of the institution for examination; but, as it was almost indispensable for them to be at the office of the prison during the day, examinations could only be made after night.

It is, however, due to Mr. Theobald to say, that he manifested every disposition to wait upon the committee with the books and such papers as were required to be produced.

In consequence of other duties which the members composing the committee had to perform, and the reasons above assigned, as well as the number of voluminous accounts, and the length of time these accounts had been running, the examination has not been so critical as could have been desired.

It will be recollected that the keeper and agent has not reported the state of the institution every year since his appointment, nor has a particular examination of the books, and the financial condition of the prison, ever been made by a committee of this House, as your committee have been informed, or five years.

The account against the Commoewealth, amounting to the sum of $——, we find to be correct, with the following exceptions:

1st. Two charges, one of $126 75, and the other of $100, amounting together to $226 75—are for a cast iron shaft and its apurtenances, which is attached to, and forms a necessary portion of, the machinery. This, under the law, should have been paid for by the keeper, and charged to him, and should be deducted from the account of the Commonwealth. (These sums were paid to Beatty & Curry.)

2d. There are five barrels of water lime in the building account, charged to the Commonwealth, at $15 per barrel, making $75. The charge should

have been at $3 per barrel; making an error of $60, for which the Commonwealth should be credited. (This is from the statement of Mr. Theobald himself.)

3d. The Commonwealth is charged with 10,000 bushels of lime at 20 cts. per bushel, at one time, besides 165 bushels purchased of different individuals at different times, at 12½ cents per bushel, and 35 bushels at 16⅔ cents per bushel.

Mr. Theobald himself appeared surprised at the quantity, when his attention was called to it; and he produced the clerk who made the charge in the books, to give us his testimony on the subject.

The statement of the former clerk (Mr. Jones) is herewith submitted marked B.

To arrive at the truth as near as possible, the committee resolved to take the testimony of some competent individual, who is acquainted with such work, and who, consequently, could form something like a correct estimate of the lime used in such a building. We computed the brick laid and the stone wall to some extent. For this purpose the statement of Henry Wingate, Esq. was taken, and is herewith submitted, marked E, by which it appears that about 6,000 bushels of lime would have been sufficient. On this subject, however, our information is by no means satisfactory. The foundation of stone is very deep and thick, and we had nothing like a certain criterion to govern us as to the lime used in the foundation. Thus it appears that the Commonwealth should receive a credit for 4,000 bushels of lime, improperly charged, at 20 cts. per bushel, making $800.

There are 275,000 shingles charged to the Commonwealth, which was believed to have been too large a number; but upon calculation, we ascertained that it would take something like 205,000 to cover the shops; and one of the committee, who is acquainted with the trade in pine shingles, states that the average loss is as great as the above, 25 per cent.

The Commonwealth should now be credited by the foregoing errors to-wit:—

| | |
|---|---|
| Paid Beatty & Curry, for shaft &c. - - - | $226 75 |
| Overcharge in water lime, - - - - | 60 00 |
| Do. in common lime, - - - - | 800 00 |
| Making an aggregate of | $1,086 75 |

The committee examined the accounts of the keeper of the Penitentiary, the cash account, the hemp account, that of Theobald and Bain, and some others, but the examination was far from being a critical one, nor was such an examination undertaken with a view of calling for a voucher for each charge.

There is an error in the account of Thos. S. Theobald of $835 72 which occurred in the account current of David Heran, for the year 1837. Mr. Theobald paid the above sum to Heran, and it was deducted from Heran's general account, and Theobald charged with the residue of the account. He is afterwards credited by this sum. This was done by the present clerk, as he states, inadvertently and which we do not doubt. Theobald should now be charged with $835 72, improperly entered to his credit. On the

suggestion of the committee that there was an error in Heran's account current of 1837, the clerk, on examination of it, discovered the error and corected it. Mr. Theobald seem unapprised of the state of the account, as all charges and credits were entered by the clerk. He should also be charged with the $226 75 named in the account of the Commonwealth.

The cash account was improperly kept; large sums passed through the hands of the agent without finding their way into the cash account. The whole amount of this account on the Leger is but $35,981 50.

The hemp account is not kept properly. The charges to this account are correct, but it is not properly credited. It should be credited by the net amount of bagging and bale rope, by which means the profits of this branch could be at once seen. This would be more satisfactory, though it is not ablutely nocessary to keep such an account.

No error was found in the Penitentiary account, except probably 50 or 75 cents in the addition.

The committee herewith submit a table, showing when several of the accounts were balanced, the amount of balances, &c. marked F.

The debts due by the institution amount to $6,761 08. The several sums composing this aggregate, and the individuals to whom due, may be seen by the paper herewith submitted, marked G.

The debts due to the institution, by notes and other specialties, amount to $4,335 86. And the amount of accounts due is $17,459 90. The list of individuals owing either by note or account, together with the amount owning by each, may be seen by the table herewith submitted, marked H.

To the above aggregate of notes should be added one on Thomas J. Randolph for $1,025 96, due 1st June, 1338, which was omitted in the report of the Keeper by the clerk, and which note increases the profits by its full amount, and should consequently be added to those profits.

It will be seen from the foregoing remarks, that the Commonwealth should be credited by - - - - $1,086 75
And Mr. Theobald, - - - - 1,062 47

And that the sum of $1,025 96 should be added to the profits, being the amount of the debt of Randolph. The profit and loss account would then stand thus:

| | |
|---|---|
| Paid the Commonwealth, - - - - | $17,790 40 |
| Paid Theobald, - - - - - | 12,342 62 |
| Amount of notes, including that on Randolph, - | 5,361 82 |
| Amount of accounts due, - - - - | 17,459 90 |
| Amount of materials and manufactured articles on hand, | 36,624 34 |
| | 89,579 08 |
| Deduct the amount of debts due by the institution, - | 6,761 08 |
| Balance profits, - - - - - | $82,818 00 |

We would remark, that the books have been unskilfully kept; but were at all times, kept by the clerk of the institution: and so far as we could learn, without any interference whatever on the part of the keeper and agent. It is true, one of the prisoners, who was competent to the task, was for some time employed in posting the books; but no original entry was

made by him, and his work was examined. We can see no impropriety in this, especially when it appears to have been a matter almost of necessity.

The committee made some examination of the facilites afforded the convicts for their improvement and reformation. The cells are small, confined and too few for the number of prisoners. Humanity dictates that we recommend an immediate erection of additional cells. Indeed, the old cells should be pulled down, and new ones entirely erected.

Whilst the laws wisely provide for the punishment of those who offend, yet the feelings of our nature revolt at inhumanity in any shape. Comfort, to some extent, should be afforded, even to the condemned criminal.

The Legislature has most wisely appropriated the sum of $250, annually, for the moral and religious instruction of the prisoners. This was dictated by humanity—it was dictated by wisdom—it is money well spent—well appropriated. And upon this subject, we would remark, that one of the great objects to be attained by punishment, is a reformation of the offender, and thus to return him to the bosom of society a better man. The committee believe that much good has been done by the wise appropriation, and expenditure of said sum of money. The sum of $100 was also appropriated for the purchase of a library, for the use of the prisoners. If this sum were increased, by a like sum to be now appropriated, it would be well. The library is necessarily small, but the books are well selected.

This branch of the keeper's duty, we believe, has been well attended to. We visited the prison, and attended divine service there. The prisoners were as attentive, and their conduct as exemplary, during divine service, as that of any audience whatever.

We believe that the pecuniary interest of the State, as well as the morals of the prisoners, is advanced by this course of moral and religious instruction. We understood that the prisoners are attentive in the Bible classes and Sunday schools. Those wholly illiterate are taught to read, and the most useful information is imparted to all. We are not to be understood to say, that all are made saints—very far from it; but that great and numerous reformations have taken place, by reason of such instruction, we cannot for a moment doubt.

By an act of the Legislature, the keeper is directed to furnish the prisoners with a reasonable quantity of tobacco. This item, amounting to something like $360 per annum, is chargeable to the Commonwealth. We believe that it, and the $250 for moral and religious instruction, should be charged to the general expenses of the institution. We are of opinion, that one third of the profits of the institution would be a sufficient compensation to the keeper and agent, unless large and extensive improvements are made; such as the erection of a sufficient number of new and comfortable cells or dormitories, at the expense of the institution itself, which, if done, would so lessen the profits, that probably one half would not be too great. The manner of conducting the institution at present, in the way of partnership, we consider decidedly preferable to any other; and therefore, recommend its continuance.

We have examined the financial condition of similar institutions in Maine, New Hampshire, Vermont, Massachusetts, the two in New York, New Jersey, Pennsylvania, Maryland, District of Columbia, Tennessee, Ohio and Louisiana, and herewith submit a short abstract from the reports of the condition of each, marked I.

By this statement, it will appear that ours has been greatly more profitable, than any of those above mentioned.

The plan of solitary confinement, we are of opinion, is better calculated to produce reformation, than that of associated labor; but the health of the prisoners is greatly injured by solitary confinement, and, in many instances, lunacy and permanent derangement have been occasioned by it; and all things considered, we decidedly prefer the associated labor principle.

The committee are decidedly of opinion, that the principal clerk should be appointed by the Executive, or elected by the Legislature, for a limited period.

The clerk should make out a balance sheet, showing the conditon of the financial affairs of the institution, once every three months, and deposite the same in the office of the Secretary of State; and he should make out his report, annually, up to the end of the last quarter preceding the meeting of the Legislature; and the keeper and agent should, in like manner, make his report, annually, to the Legislature, and the whole financial concerns should be adjusted, settled and passed each year, and the necessary vouchers should be produced, to show all expenditures.

We are also of opinion, that runaway slaves should not be received into the prison, nor should any slave be received for safe keeping.

All of which is respectfully submitted.

RICHARD APPERSON, *Chairman.*

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A.

OFFICE KENTUCKY PENITENTIARY
*December* 15, 1838.

GENTLEMEN:

Will you have the goodness to respond, in writing, to the interrogation below proposed, by the committee from the House of Representatives on the Penitentiary, to the keeper. Also, state if, within the range of your examination, any suspicious or doubtful entry has been noted in the books of the Penitentiary. And also, if I did not manifest and afford every facility in my power to facilitate your examination.

I expect to lay your letter before the committee, therefore must ask you to be as full as your convenience will allow.

Respectfully,
Your obedient servant,

THO. S. THEOBALD.

MESSRS. J. T. PENDLETON and THO. S. PAGE.

INTERROGATORY 5.—The reason why the two clerks, appointed by the Commissioners of the Sinking Fund, have not yet been able to make a correct balance of the accounts; the time of their appointment; and the time they have devoted to the business?

B.

FRANKFORT,
*December* 17, 1838.

DEAR SIR:

We have just received your note of the 15th instant. You are well apprised of the cause that prevented our completing the examination of the Penitentiary books, our labors in bank being such as to take nearly our whole time. We made a commencement with the books about the 18th of September last, since which time we have devoted every leisure moment at our command in their examination, comparing each entry in the Leger with its corresponding entry in the Journal, and added up the aggregate items in the Journal to see if the correct amount was carried to the Leger; and we have no hesitation in saying, so far as we have examined, that there is nothing in the books which can justify the belief or suspicion that there is any thing fraudulent or intentionally wrong about them. We noticed some clerical errors, which had been previously noticed by the clerk of the Penitentiary, and reference made to them in the margin of the book for correction.

We have observed no improper charges made on the books, and from your willingness to afford us information, and your anxiety to have a full and fair examination, we have no hesitation in saying that after the press of business is over, we can make a correct balance sheet, by which a fair and equitable settlement can be made between the State and yourself.

Respectfully yours,
THO. S. PAGE,
JOHN T. PENDLETON.

THO. S. THEOBALD, ESQ.

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C.

OFFICE KENTUCKY PENITENTIARY,
*Frankfort, December* 18, 1838.

SIR:

I transmit herewith my response, in two sheets, to the interrogatories propounded me by a resolution of the House of Representatives, and by your committee.

Respectfully,
Your obedient servant,
THO. S. THEOBALD.

RICHARD APPERSON, ESQ,
*Ch'mn of the Com. on the Pen. of the H. R.*

RESPONSE *of Thomas S. Theobald, Agent and Keeper of the Kentucky Penitentiary, to sundry interrogatories propounded to him by the Committee on the Penitentiary of the House of Representatives.*

INTERROGATORY 1.—Items of the accounts of the Commonwealth and Keeper?

RESPONSE.—These accounts are very lengthy, embracing a vast number of items. A statement in detail of the items of all the accounts of the Commonwealth and Keeper would swell to such a large document, that it will require several weeks labor of the clerk to prepare it. But he is now engaged in that labor, and I will report the result at the very first moment of its completion.

INTERROGATORY 2.—Amount of cash on hand?

RESPONSE.—Thirty seven dollars and fourteen cents.

INTERROGATORY 3.—Bagging and bale rope sold since 10th of March, 1834; the terms on which it was sold; the amount which has been received for them; the amount now due for them, or hereafter to fall due, and when due?

RESPONSE.—This enquiry embraces all the transactions of the institution, in the manufacture and sale of bagging and rope, during the whole of my administration of its affairs, the amount of which constitutes a very large sum in the accounts, and the answer to which will require so long and tedious a detail of perhaps several thousand different items and transactions, that it will be out of my power to furnish it in form to the committee within the time they would be likely to expect it; but as soon as the accounts can be transcribed, they will be reported to the committee.

INTERROGATORY 4.—The mode of keepi g the accounts; he number of clerks heretofore and now employed, and the duty of each?

RESPONSE.—The accounts are kept by double entry. When articles are sold, they are entered o the debit of the purchaser and to the credit of the Penitentiary; and when used for the improvements directed by law, they are entered to the debit of the Commonwealth and the credit of the Penitentiary; and when used by the keeper, to his debit and the credit of the Penitentiary. The number of clerks employed since March 10th, 1834, (and generally but one at the same time,) in all, is five. There is, at this time, but one employed. Their duties have been, and now are, to keep the accounts of the institution truly and faithfully, and to sell all articles brought to the office for sale from the workshops, and many other duties usually pe.formed by clerks. These five clerks have all been approved by the Governor, in writing, and have taken the oath of office prescribed by the law of 1834. During the last year, one of these gentlemen, (Mr. Evans, a most excellent clerk and accountant,) died of pulmonary disease.—Foreseeing this event, I employed the present clerk before the decease of the other, in order that he might acquire from the latter a knowledge of the books and accounts, the routine of duties, the general business, and the customers of the institution. Soo 1 after his employment, the anticipated event occurred, at which time the Journal and Ledger being considerably behind h.nd, owing to the illness of Mr. Evans, I employed a prisoner, well quali-

fied for the task, to journalize and post the entries made in the day book by the clerks, and to draw off some accounts for collection. But in all instances the writing performed by the prisoner was carefully examined by the clerk, who alone made all original entries in the day book.

Interrogatory 5.—The reason why the two clerks appointed by the Commissioners of the Sinking Fund, have not yet been able to make a correct balance of accounts; the time of their appointment, and the time they have de oted to the business?

Response.—If I mistake not, the Commissioners of the Sinking Fund, at their first meeting after the adjournment of the last Legislature, agreed to employ a clerk, selected by them, to examine the books of the Penitentiary, preparatory to a final settlement with me, and one of the board undertook to procure the clerk. After some exertions on his part, in which considerable time was consumed, he advised the Governor of his failure to procure a clerk, wh n, if I have been correctly informed, another member of the board engaged to procure a clerk. After the consumption of some time, he also informed the Governor of his failure to employ a clerk, when the third was requested by his excellency, the Governor to procure a clerk to execute the task, who, like, the first and second, failed of success. These fruitless efforts were protracted till about the first of October last, about which time the Governor employed Thomas S. Page and John T. Pendleton, clerks of the Branch Bank of this place, to execute the duty. At the time of the engagement of these two clerks, they informed the Governor that they could only devote a portion of each night to the work, their time during the day being occupied by the performance of their duties as clerks of the Bank. I was notified of the arrangement, and required to deliver the books to them at the Bank every evening, and send for them every morning for the use of the prison. This duty has been performed without failure in a single instance, when the books have been wanted by the two clerks. These gentlemen, I understand, have made considerable progress in the examination of each item of the accounts, and will require much more time to co nplete it, if they continue to make a personal examination of every entry, as I understand the y are doing. As a part of my response to the fifth interrogatory, I also refer the committee to my letter marked A, and the reply, marked B, of those two clerks on the subject, herewith transmitted.

Interrogatory 6.—When was the five thousand dollars paid to the State?

Response.—Upon the 21st November, 1838.

Interrogatory 7.—The annual net profits from 10th March, 1834, to this date?

Response.—I cannot definitely respond to this inquiry. It s scarcely needful that I should remark, in regard to this interrogatory, that it is wholly impossible to state correctly the annual net profits of any large progressive business. Much of it is necessarily composed of *estimated* value, all of which will, in the common transactions of business, vary according to circumstances; and the only object in placing before the Legislature any amount as the fiscal result of the operations of any given period, must be to give them a general approximate idea of its condition, from which they may determine whether it is successfully managed or otherwise.

INTERROGATORY 8.—Why so great a variation in the profits of the different years?

RESPONSE.—In my report of 1837, it will be seen that I estimated the net profits from March 10, 1834, to the date of that report, at $72,589 05; one item of this amount is $26,226 68, arising from bagging and rope, estimated at twenty and eight cents, the net profits of which fell considerably short of that estimate. Another item is for the amount of manufactured articles and raw materials on hand, per inventory, estimated at $14,243 74, at which period a much higher estimate was placed upon all manufactures and stock, generally, than at present. Provisioning, and many of the incidental expenses, tended materially to affect this item; and, more especially, what must be obvious to every one, the clear loss, from the profits reported last year, of four thousand dollars, thrown off by the Commissioners of the Sinking Fund, which amount appeared as profits in the report of 1837.

INTERROGATORY 9.—The items composing the outstanding debts due by the Penitentiary?

RESPONSE.—To prepare an exhibit of the items purchased, for which the Penitentiary is now owing many individuals, would require more time than the probable duration of the session. Those items are, in part, raw materials, provisions, clothing, salary of officers, guards, &c.

INTERROGATORY 10.—The terms upon which hemp and other articles have been purchased, specifying the cash purchases and those on credit; also, the length of credit in each instance?

RESPONSE.—To answer this inquiry, would require almost a perfect copy of the books, which would be a labor of several months. It is known that the whole of the transactions of the institution, from first to last, are upon "hemp and other articles" of stock purchased, which are interspersed throughout all the book, occupying a portion of every page. These articles are purchased for cash, upon credit, and in exchange for our manufactures, and for other things for which we exchange our manufactures. I would, however, submit, in a general way, for the better information of the committee, the cost of a few of the leading articles consumed in the institution: For hemp we have paid from $3 to $12 50 per cwt. cash; and have paid all the intermediate prices, generally in cash, but at times upon a credit; and perhaps but little, if any, on a credit, until the present year. In the forepart of this year, many of the small crops were sold for four dollars, cash, but generally the heavy holders were indisposed to sell for less than five dollars; many of whom, however, were willing to take this price and grant time. My purchases upon time, were generally made from four to twelve months. Iron has cost me from four or four and a half to fifteen cents per pound, varying according to its description and the circumstances under which it has been purchased. We have generally obtained our supplies from regular houses, and upon the terms of these houses; sometimes for cash, and at other times at four or six months' credit. Leather and timber, with the great variety of other articles used in our various shops, are so variant in their descriptions and qualities, that it would be difficult to say any thing in relation to them, from which the committee could derive any better information than to say, we have paid the usual prices common in the country, for each and all of them.

INTERROGATORY 11.—The average and annual amount of bagging and rope manufactured since the 10th March, 1834?

RESPONSE.—The answer to this interrogatory will be embraced in the response to the third interrogatory, as fully as possible.

INTERROGATORY 12.—And, also, that he will furnish the committee with a statement of the different branches of manufacture that are now in operation in the Penitentiary, and what the gross profits of each, and what amount to be deducted from gross amount of each branch for materials, &c.?

RESPONSE.—The different branches of manufacture now in operation, are: bagging and rope, stone, shoes and boots, candles and soap, harness making, painting, blacksmithing, wagon making, with a variety of work in the shops, other than wagon making, chair making, coopering, turning wood and iron, wool carding, tinkering, repairing guns, and grinding corn. I have never kept separate accounts of the materials and expenses necessary to conduct each branch of the manufacture, nor of the production of each, and, consequently, cannot furnish the gross and net profits of each.

INTERROGATORY 13.—Also, the items composing the outstanding debts due to the Penitentiary, setting forth the time when each item fell due, or will fall due, and from whom?

RESPONSE.—This interrogatory obviously requires a perfect copy of every account on the books, as if drawn off for presentation and settlement with our customers. It would be a vast labor to accomplish this, and no better result could be derived from this execution than from an examination of the books, which I again submit to the inspection of the committee.

INTERROGATORY 14.—Also, the number of hands employed in each branch of labor, specifying such as are regularly employed in the same branch, and those who are employed in different branches?

RESPONSE.—The number of hands employed in the different branches, is as follows: In the manufacture of hemp, we are capable of employing seventy or more hands, and have, at times, appropriated that number to this branch; but not often, nor long at a time. The amount of labor in this branch fluctuates greatly, influenced by a variety of circumstances, some of which are so numerous, that their relation might not, to the interrogatory, be deemed very apparent; but a bare illusion to some of them, may not be unacceptable to the committee. The amount of raw material, grown at home and abroad; circumstances in our own country and abroad, calculated to awaken the attention of foreign manufactures; the direction given to the foreign manufactured article; the probable amount of the cotton crop, and the general prosperity of the South; foreign and domestic exchanges, together with a thousand domestic influences, all contributing their mite to produce the fluctuation alluded to. It is not at all uncommon to lose, during the year, from one to two whole months from this branch; it is not unfrequent, towards the close of the year, for stock in this branch to become scarce, and holders to demand for it more than the prospect for the manufactured article will justify. When this is the case, the hands appropriated to this branch are taken off and employed as they have capacity, and the wants of the institution require. As cooks and waiters in the cook shop, 3; washers, 2; hospital steward, 1; stone shop, fluctuating more than any other branch, from 3 to 80, influenced by a variety of circumstances, such as when the stock of any branch is exhausted, and we cannot better appro-

priate the labor; all refractory prisoners, and such as are suspected for mischief; when the health of a prisoner fails in another branch, this is thought, of all other branches, the most conducive to health. The variety of its operations afford any individual the benefit of any attitude or posture he may desire, and exercise proportioned to his strength. In the shoe and boot business, from 5 to 12; candle and soap factory, 2; harness shop, 2; paint shop, 2; blacksmith shop, 18; wagon shop, 10; chair shop, 2; cooper, 1; turning wood, 1; turning iron, 1; carding, 1; tinkering, 2; engine and mill, 2.

INTERROGATORY 15.—Also, the amount of improvements which may have been done on or to the Penitentiary; the time when each improvement was made; the cost of the buildings which have been erected since 10th March, 1834?

RESPONSE.—The answer to this will employ the clerk some time, and require a great deal of labor; but the committee shall be put in possession of the facts as soon as possible.

INTERROGATORY 16.—The amount of sales of articles manufactured in the Penitentiary, in each year, designating the amount sold, and that used in it?

RESPONSE.—Not having struck a balance at the close of each year, it would be extremely difficult, if at all possible, to respond definitely to this interrogation. The articles consumed by the prisoners came out of the general stock, and, being the product of their labor, there was no necessity to keep an account of them; therefore, I cannot inform the committee what is the amount consumed in the prison. All which is respectfully submitted.

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## D.

## JONES' STATEMENT.

R. M. Jones states that he was the clerk of the institution, when the charge of ten thousand bushels of lime was made to the Commonwealth. He cannot say how much lime was used; but Mr. Bain, the former assistant keeper, informed him how much to charge, and the charge was made in pursuance to such information. Mr. Bain, he thinks, had kept a small memorandum book, in which he had set down various items of expenses, and he thinks Bain was governed by his memorandums as to the quantity.

R. M. JONES.

FEBRUARY 1, 1839.

E.

FRANKFORT, *February* 1, 1839.

DEAR SIR:

In reply to your inquiry, as to the quantity of lime necessary to lay a given number of bricks, I have to state that, so far as I know, there is no certain rule by which the quantity is determined; and I believe it is yet a mooted question among practical men, whether one half, one third, or one fourth parts of lime, and the other of sand, makes the best cement. If the smallest quantity named is taken as the criterion, five bushels of lime will be sufficient for 1,000 bricks; but if the largest, it will take from five to ten bushels of lime per 1,000 bricks. There are other causes, also, that have a bearing on the amount of mortar used in a brick wall: for instance—if the bricks are new, and the wall thin, less mortar would be used; but if the bricks are old, and the wall thick, rubbish bricks and bats may be used to advantage, in filling in, and the quantity of mortar would be increased probably one fourth or one fifth. Sharp sand requires more lime than if a small portion of dirt or *loam* is added to it.

Yours, very respectfully,

H. WINGATE.

JAMES G. HARDY, Esq.

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F.

*State of sundry accounts at different periods.*

PENITENTIARY ACCOUNT.

| DATE. | Dr. | Cr. | Cr. |
|---|---|---|---|
| | Balance. | | Balance. |
| 1834, September 9, - - | 11,369 58 | 11,598 98 | 229 40 |
| 1835, February 28, - - | 4,828 15 | 9,566 68 | 4,738 23 |
| 1836, May 30, - - - | 17,905 30 | 35,859 67 | 17,954 37 |
| 1837, April 31, - - - | 22,641 60 | 60,565 37 | 37,923 77 |
| 1838, March 10, - - - | 13,490 17 | 62,680 70 | 49,189 53 |
| 1838, June 5, - - - | 3,323 22 | 56,262 40 | 52,939 18 |
| 1838, November 10, - - | 10,139 88 | 65,498 95 | 55,359 07 |

F—Continued.

HEMP ACCOUNT.

| DATE. | Dr. Balance. | Cr. | Cr. Balance. |
|---|---|---|---|
| 1834, September 9, | 3,379 94 | 4,124 91 | 744 97 |
| 1835, February 11, | 2,765 94 | 3,032 28 | 266 34 |
| 1836, May 30, | 17,258 12 | 7,738 41 | 9,519 71 |
| 1838, March 10, | 49,113 94 | 62,420 11 | 13,306 17 |
| 1838, August 28, | 8,601 51 | 14,586 78 | 5,985 27 |
| 1838, November 10, | 7,756 42 | 36,726 55 | 28,970 13 |

THOS. S. THEOBALD'S ACCOUNT.

| DATE. | Dr. Balance. | Cr. | Cr. Balance. |
|---|---|---|---|
| 1834, September 9, | 3,104 85 | 10,636 01 | 7,531 16 |
| 1835, February 28, | 3,492 38 | 11,324 26 | 7,831 88 |
| 1836, May 19, | 9,135 85 | 35,012 32 | 25,876 47 |
| 1836, July 16, | 489 04 | 31,658 92 | 31,169 88 |
| 1837, April 12, | 46,752 23 | 55,945 76 | 9,193 53 |
| 1838, March 10, | 10,282 93 | 38,890 04 | 28,607 11 |
| 1838, August 30, | 5,510 50 | 38,880 81 | 33,370 31 |
| 1838, November 10, | 60,534 09 | 49,253 94 | Dr. 11,280 15 |

COMMONWEALTH'S ACCOUNT.

| DATE. | Dr. Balance. | Cr. | Dr. Balance. |
|---|---|---|---|
| 1835, February 23, | 896 51 | 20 00 | 876 51 |
| 1836, May 24, | 2,256 57 | 87 13 | 2,169 44 |
| 1837, April 29, | 15,557 33 | 24 75 | 15,532 58 |
| 1838, March 10, | 18,064 50 | 654 50 | 17,410 00 |
| 1838, November 10, | 22,877 06 | 4,000 50 | 18,877 15 |

G.

## DEBTS DUE BY THE PENITENTIARY.

| | | | |
|---|---|---|---|
| Jas. Wight, | 6 19 | Walker Derring, | 31 70 |
| J. P. Reading, | 2 19 | Dan'l Harris, | 1 61 |
| Ben Ely, | 1 81 | H. McAtee, | 33 87 |
| Jos. Taylor, | 50 | E. Dupuy, | 13 79 |
| S. McDaniel, | 3 00 | Dr. W. T. Price, | 34 99 |
| J. M. Little, | 6 44 | N. Wiley, | 1 46 |
| M. W. Dickey, | 574 43 | L. B. Osburn, | 80 60 |
| Jas. McGill, | 4 92 | G. & J. Shoenberger, | 514 14 |
| F. Rossell, | 2 12 | T. P. Co. | 463 18 |
| J. R. Scott, | 269 72 | Tho. P. Long, | 7 18 |
| S. My rs, | 58 00 | Reynolds & Dennison, | 80 20 |
| C. W. Mills, | 1 00 | L. Ferguson, | 3 71 |
| L. B. Crutcher, | 302 40 | Jackson & Wheeler, | 627 80 |
| L. Thomas, | 21 75 | Dr. C. J. Blackburn, | 233 44 |
| L. Wheeler, | 13 08 | J. G. Deering, | 113 82 |
| Geo. Williams, | 6 37 | Harvie & Dudley, | 158 19 |
| H. Miller, | 17 95 | G. Keene, | 16 66 |
| E. Poe, | 1 35 | Mrs. Blackburn, | 216 54 |
| L. Patty, | 1 00 | Col. P. Davis, | 710 34 |
| Jas. Magill, | 19 70 | J. McChesney, | 33 90 |
| J. Hickman, | 2 51 | Bills payable, | 512 83 |
| Jep. Robinson, | 3 08 | J. McMannis, | 284 15 |
| J. Baltzell, | 4 36 | J. Griffing, | 85 08 |
| N. Hardy, | 267 62 | J. M. Theobald, | 3 00 |
| Sm. Miles, | 451 31 | B. H. Smither, | 9 13 |
| J. Brown, | 3 00 | A. Logan, | 174 21 |
| Tho. Blackburn, | 258 89 | | |
| W. Boswell, | 10 87 | | $6,761 08 |

H.

*List of accounts due the Penitentiary, and list of notes.*

| | | | |
|---|---|---|---|
| L. Samuel, | 15 13 | S. P. Weisiger, | 95 70 |
| Tho. Doland, | 2 25 | J. M. Foster, | 9 33 |
| Bank of Kentucky, (old) | 0 38 | John A. Holton, | 38 20 |
| J. T. Homes, | 2 00 | John H. Hanna, | 7 00 |
| A. C. Keenon, | 1 75 | John Brown, dec. | 32 87 |
| Tho. Jett, | 1 83 | W. W. Witt, | 15 25 |
| Wm. Buford, Sr. | 13 00 | W. Owens, | 2 63 |
| H. C. Hinton, | 33 70 | M. B. Morrison, | 1 50 |
| John Harvie, | 19 26 | Benj. Harrod, | 4 75 |
| Isabella Whitehead, | 4 39 | Jeph. Dudley, | 0 75 |
| Clement Bell, | 0 75 | W. S. Pemberton, | 1 00 |
| F. P. Holloway, | 17 95 | Sam'l B. Crockett, | 10 40 |

H—Continued.

| | | | |
|---|---|---|---|
| Scott Brown, | 20 | 72 | |
| Mrs. F. Hawkins, | 23 | 39 | |
| Jacob Cox, | 0 | 50 | |
| J. E. Russell, | 70 | 13 | |
| L. B. Fenwick, | 31 | 12 | |
| James Elliott, | 8 | 62 | |
| H. Edwards, | 2 | 43 | |
| B. P. Gray, | 0 | 38 | |
| John Russell, | 0 | 19 | |
| Wm. Sanders, | 27 | 26 | |
| Jas. Newton, | 1 | 00 | |
| W. W. Bacon, | 57 | 19 | |
| Elizabeth Bacon, | 7 | 12 | |
| Tho. James, | 10 | 00 | |
| Jessee Samuel, | 2 | 75 | |
| J. D. Brown, | 1 | 00 | |
| John Townsley, | 16 | 13 | |
| James F. Dryden, | 12 | 19 | |
| W'm Buford, Jr. | 88 | 80 | |
| Tho. H. Piper, | 6 | 11 | |
| W'm Sheets, | 32 | 23 | |
| R. W. Sebree, | 6 | 75 | |
| Elisha Herndon, | 7 | 21 | |
| Tho. Henderson, | 5 | 50 | |
| James Petty, | 1 | 31 | |
| James Gibbs. | 2 | 80 | |
| A. G. Hodges, | 53 | 24 | |
| C. C. Black, | 0 | 78 | |
| Mrs. Lafon, | 39 | 53 | |
| Granville Sheets, | 2 | 50 | |
| Franklin Dillon, | 32 | 55 | |
| John D. Chambers, | 21 | 91 | |
| Dan'l Baker, | 0 | 62 | |
| W'm Payne, | 44 | 53 | |
| L. J. Sharp, | 25 | 34 | |
| John Woodrough, | 0 | 50 | |
| John Quarles, | 7 | 00 | |
| Jos. G. Smith, | 3 | 37 | |
| Benj. Long, | 0 | 25 | |
| John Kiser, | 0 | 35 | |
| R. Darnell, | 34 | 58 | |
| L. Hodges, | 3 | 88 | |
| B. T. Head, | 31 | 76 | |
| B. H. Hickman, | 32 | 82 | |
| E. L. Branham, | 1 | 40 | |
| F. Hickman, | 84 | 38 | |
| J. T. Rogers, | 1 | 02 | |
| H. G. McGee, | 1 | 75 | |
| Allen Haydon, | 0 | 37 | |
| James Roberts, | 4 | 75 | |
| W. L. Crutcher, | 12 | 63 | |
| Geo. Weir, | 12 | 00 | |
| John Sedgewick, | 3 | 13 | |
| John Morris, | 13 | 60 | |
| B. P. Duvall, | 0 | 75 | |
| W'm Owsley, | 27 | 11 | |
| James Yount, | 3 | 69 | |
| A. P. Cox, | 30 | 65 | |
| L. C. Suggett, | 1 | 50 | |
| J. T. Pendleton, | 13 | 00 | |
| Jacob Bridewell, | 5 | 20 | |
| T. B. Monroe, | 158 | 96 | |
| Sam'l Payne, | 77 | 01 | |
| C. H. Julian, | 49 | 50 | |
| Doct. A. C. Keene, | 81 | 38 | |
| L. Sanders, Jr. | 125 | 68 | |
| E. P. Johnson, | 11 | 85 | |
| H. Wingate, | 32 | 07 | |
| Jas. Herndon, | 3 | 50 | |
| W'm Curry, | 1 | 00 | |
| J. J. Crittenden, | 13 | 00 | |
| Jas. Gains, | 7 | 49 | |
| A. Crockett, | 2 | 12 | |
| S. B. Scofield, | 90 | 18 | |
| R. Crutcher, | 1 | 00 | |
| R. Crutcher, | 4 | 75 | |
| J. L. Moore, | 16 | 16 | |
| Hawkins Wickersham, | 59 | 29 | |
| J. F. Theobald, | 21 | 26 | |
| Tho. G. Hancock, | 58 | 35 | |
| E. L. Cahill, | 3 | 69 | |
| Robt. Brawner, | 30 | 00 | |
| W. A. Gorham, | 43 | 93 | |
| Chas. Alexander, | 0 | 63 | |
| R. Foree, | 1 | 25 | |
| Geo. Scrogham, | 6 | 00 | |
| Gabriel Smith, | 4 | 62 | |
| J. Parent, | 3 | 20 | |
| W'm Johnson, | 6 | 50 | |
| J. P. Porter, | 96 | 99 | |
| T. W. Noel, | 2 | 88 | |
| A. S. Parker, | 54 | 38 | |
| Benj. Hoyle, | 6 | 79 | |
| Sam'l Todd, | 5 | 28 | |
| W'm Johnson, | 4 | 75 | |
| Commonwealth's Bank, | 0 | 75 | |

H—Continued.

| | |
|---|---|
| Tho. Haydon, | 17 00 |
| H. Hoover, | 11 00 |
| E. Oliver, | 6 50 |
| John Buford, | 7 51 |
| Jos. Gore, | 20 93 |
| John C. Conover, | 3 75 |
| O. T. Major, | 3 00 |
| E. Warfield, Jr. | 147 25 |
| A. Jenkins, | 7 91 |
| J. O. T. Hawkins, | 13 76 |
| Jas. J. Miles, | 30 23 |
| Jas. Wright, | 75 |
| Jas. Hamilton, | 1 50 |
| D. C. Freeman, | 134 25 |
| E. Vaughan, | 75 |
| Wm. Alexander, | 22 00 |
| G. Shryock, | 71 13 |
| S. Atwell, | 24 62 |
| W. S. Johnson, | 5 00 |
| David Murry, | 8 00 |
| Doctor Carter, | 2 00 |
| Raush & Ferguson, | 25 89 |
| Robert Hamilton, | 4 65 |
| H. Hawkersmith, | 1 13 |
| J. T. Campbell, | 12 00 |
| G. G. Spencer, | 4 21 |
| Frank. & Shelbyville Turnpike Road Co. | 10 75 |
| Braxton (negro) | 3 00 |
| L. A. Broadhead, | 10 62 |
| Liddall Bacon, | 13 |
| John Magill, | 13 28 |
| M. Fox, | 95 |
| P. D. Arnold, | 2 13 |
| James Hughes, | 9 75 |
| Tho. Pulliam, | 4 00 |
| Mrs. Preston Brown, | 0 50 |
| J. S. Robinson, | 7 56 |
| E. Williams, | 15 00 |
| Rich'd Wiggs, | 13 70 |
| E. P. Johnson & Co. | 47 79 |
| T. M. Jessee, | 12 13 |
| A. Wickersham, | 1 57 |
| James Sanders, | 3 53 |
| T. S. Carter, | 12 63 |
| James Parent, | 9 35 |
| A. W. Macklin, | 21 59 |
| Geo. Burbridge, | 10 00 |
| P. S. Fall, | 156 64 |
| Simeon True, | 38 60 |
| R. W. Scott, | 21 75 |
| Cynthia Green, | 1 20 |
| John Vaughan, | 9 00 |
| A. White, | 0 72 |
| Geo. C. Blackburn, | 4 62 |
| Dr. Jos. G. Roberts, | 52 56 |
| Todd & Fenwick, | 4 00 |
| A. H. Sommers, | 7 05 |
| Joseph Clarke, | 19 11 |
| Mrs. Blain, | 7 25 |
| McIlvaine & Haydon, | 7 50 |
| Jos. Lee, | 9 83 |
| W. H. Keene, | 369 82 |
| Mrs. Bryant, | 2 75 |
| O. H. P. Anderson, | 12 95 |
| J. W. Smith, | 134 37 |
| J. W. Fenwick, | 118 53 |
| Silas Craig, | 111 24 |
| F. Lewis, | 2 50 |
| A. W. Dudley, | 16 13 |
| Rob't Snell, | 5 00 |
| John S. Johnson, | 17 87 |
| Geo. Cunningham, | 24 19 |
| John Clarke, | 13 43 |
| Collin C. Holmes, | 24 50 |
| Mrs. Sharp, | 40 94 |
| T. B. Stevenson, | 7 69 |
| S. & S. S. Clarke, | 20 00 |
| Rodes & Goodlow, | 40 88 |
| Gale & Blanton, | 826 32 |
| W. E. Bain, | 71 03 |
| Tho. P. Hart, | 4 50 |
| John S. Major, | 39 11 |
| James M. Bryant, | 4 25 |
| Mrs. Hickman, | 1 75 |
| Harry Mordecai, | 79 99 |
| J. Foster, | 6 59 |
| R. Anderson, | 0 44 |
| Kiah Black, | 15 78 |
| Geo. Downing, | 23 12 |
| Sanders Riley, | 27 71 |
| Hugh Sanders, | 17 07 |
| J. Walson, | 0 75 |
| Bridge Co. | 87 50 |
| John Freeman, | 30 71 |
| Rich'd Higgins, | 15 50 |

H—Continued.

| | | | |
|---|---|---|---|
| E. M. Carr, | 37 | 88 | |
| Geo. Olliver, | 3 | 50 | |
| David McChesney, | 226 | 74 | |
| Franklin county, | 20 | 30 | |
| Dandridge Crockett, | 46 | 75 | |
| Milton & Young, | 69 | 24 | |
| C. S. Morehead, | 477 | 46 | |
| Job Stevenson, dec. | 183 | 07 | |
| J. B. Russell, | 6 | 56 | |
| John Robb, | 8 | 00 | |
| H. Iceminger, | 84 | 09 | |
| John Herndon, | 24 | 44 | |
| W'm French, | 6 | 85 | |
| M. B. Webb, | 17 | 25 | |
| F. Robb, | 3 | 92 | |
| Isaac Wilson, | 32 | 00 | |
| John D. Graves, | 8 | 00 | |
| John Rossell, | 0 | 51 | |
| Henry Pemberton, | 11 | 13 | |
| W'm Quarles, | 2 | 75 | |
| Mrs. Offitt, | 6 | 20 | |
| H. Harwood, | 4 | 25 | |
| F. L. Connor, | 56 | 70 | |
| David Riley, dec. | 113 | 46 | |
| Tucker Woodson, | 7 | 25 | |
| Jas. Shannon, | 406 | 70 | |
| A. R. Martin, | 15 | 50 | |
| Grandison Hawkins, | 11 | 46 | |
| David Haggerty, | 0 | 97 | |
| Devine & Brown, | 19 | 38 | |
| B. Branham, | 42 | 75 | |
| Jas. Sullivan, | 40 | 53 | |
| John Casey, | 0 | 50 | |
| John Milam, | 18 | 40 | |
| F. Roberts, | 20 | 56 | |
| S. Steadman, | 10 | 13 | |
| John Chadwick, | 4 | 25 | |
| G. S. Macey, | 3 | 00 | |
| A. R. Depew, | 7 | 75 | |
| W. Wood, | 25 | 63 | |
| John Cunningham, | 4 | 00 | |
| W. B. Ratcliffe, | 2 | 25 | |
| Gen. John McCalla, | 0 | 50 | |
| Mason Brown, | 36 | 10 | |
| John R. Gay, | 0 | 53 | |
| James Alley, | 29 | 12 | |
| Graham & Alley, | 21 | 06 | |
| Snell & McHatton, | 0 | 50 | |
| Peter Miller, | 0 | 38 | |
| P. Douthit, | 28 | 43 | |
| Dr. P. Major, | 99 | 12 | |
| Stephen Jenkins, | 8 | 31 | |
| Hardie & Abbott, | 1 | 68 | |
| W'm Patterson, | 3 | 03 | |
| R. S. Todd, | 2 | 50 | |
| J. H. Davis, | 7 | 50 | |
| R. Long, | 2 | 50 | |
| John Featherston, | 0 | 43 | |
| Sidney Burbridge, | 11 | 88 | |
| L. Pruitt, | 1 | 40 | |
| John Candy, | 49 | 75 | |
| Dr. J. F. Tomlinson, | 3 | 13 | |
| R. S. Taylor, | 10 | 25 | |
| Geo. Penn, | 1 | 95 | |
| John M. Bacon, | 7 | 63 | |
| David Graham, | 10 | 00 | |
| John F. Harris, | 94 | 34 | |
| Ben. Selby, | 1 | 75 | |
| Stephen Lucas, | 29 | 50 | |
| Junius Ward, | 81 | 50 | |
| J. Thomson, | 3 | 25 | |
| Hoyle, McCracken & Co. | 427 | 88 | |
| Josiah Harris, | 0 | 74 | |
| Willis Dehoney, | 1 | 01 | |
| Dr. L. Wilkinson, | 23 | 25 | |
| J. Montgomery, | 5 | 50 | |
| Jesse Morris, | 1 | 25 | |
| W'm West, | 223 | 84 | |
| Coleman & Ward, | 27 | 63 | |
| N. Hawkins, | 9 | 00 | |
| J. M. Hewitt, | 14 | 00 | |
| Jas. G. Dana, | 6 | 51 | |
| Jos. Belt, | 5 | 51 | |
| Lewis Sneed, | 55 | 60 | |
| Mrs. Evans, | 1 | 25 | |
| Sam'l Ware, | 57 | 29 | |
| Tho. Church, | 1 | 00 | |
| W. B. Richardson, | 5 | 50 | |
| J. Reddish, | 4 | 75 | |
| John Crutcher, | 0 | 63 | |
| James Caston, | 4 | 50 | |
| S. Baley, | 8 | 00 | |
| J. K. Hawkins, | 19 | 75 | |
| Mitchel, Woolfolk & Hall, | 55 | 00 | |
| S. Petty, | 5 | 00 | |
| S. Bryant, | 2 | 50 | |

H—Continued,

| | |
|---|---|
| Tho. Shockley, | 20 59 |
| C. G. Graham, | 102 11 |
| R. Butler. | 0 50 |
| W. P. Loomis, | 20 01 |
| James Downing, | 6 75 |
| R. W. Shipp, | 9 75 |
| Jacob Hockersmith, | 18 00 |
| John D. Richardson, | 27 46 |
| Lemuel Sanders, | 6 50 |
| W. B. Holeman, | 58 44 |
| Dr. James Clarke, | 48 50 |
| John Hampton, | 3 75 |
| Ewing, Conn & Gano, | 43 63 |
| W. & T. Gains, | 28 63 |
| C. & J. Samuel, | 17 13 |
| A. W. Lockwood, | 5 67 |
| M. Barstow, | 286 94 |
| J. M. Evans, dec. | 86 60 |
| L. Batchelor, | 12 50 |
| P. Edrington, | 2 50 |
| Joel Mills, | 1 13 |
| P. Gray, | 0 75 |
| W'm Scarce, | 18 88 |
| Mrs. Price, | 3 75 |
| Jonathan Carsner, | 5 50 |
| W. H. Abbott, | 3 50 |
| Sandford Branham, | 14 66 |
| B. J. Knott, | 31 68 |
| Dr. S. F. Gano, | 4 47 |
| Drake & Thompson, | 11 25 |
| O. G. Cates, | 6 13 |
| Tho. Somerville, | 29 25 |
| E. L. Paxton, | 1 35 |
| Rob't Collins, | 118 25 |
| Jas. B. Roberts, | 1 00 |
| Anderson & Lockwood, | 34 31 |
| J. P. Daily, | 44 73 |
| John Wood, dec. | 21 25 |
| Jacob Swigert, | 27 06 |
| Dan'l Bradford, | 16 00 |
| B. R. Hieronymus, | 34 42 |
| R. G. Jackson, | 4 78 |
| Mrs. Triplett, | 16 51 |
| W'm Arnold, | 19 01 |
| H. W. Shannon & Co. | 11 14 |
| John I. Peak, | 161 86 |
| W'm Matthews, | 4 63 |
| L. Bacon, | 16 54 |
| Chas. Penn, | 47 41 |
| R. M. G. Jones, | 10 00 |
| W. M. Todd, | 20 50 |
| J. Hiatt, | 8 13 |
| John Hamilton | 0 50 |
| Shreve, McCandless & Co. | 75 00 |
| Tho. Loughborough, | 5 83 |
| Preston Loughborough, | 2 50 |
| M. Goens, | 7 25 |
| Geo. Robb, | 7 63 |
| E. Milton, | 333 44 |
| Silas Payne, | 30 00 |
| Tho. Grayson, | 4 86 |
| Peter Dudley, | 15 00 |
| Jos. Smith, | 84 11 |
| T. Mayhall, | 10 06 |
| W. F. Miller, | 16 62 |
| D. B. Abernathy, | 21 25 |
| Board of Int. Improvement, | 101 43 |
| Stoughton & Le Baron, | 106 47 |
| J. F. Meek, | 31 75 |
| Sam'l Major, | 22 46 |
| H. Crutcher, | 3 50 |
| A. Julian, | 14 19 |
| Jos. Boyce, | 11 46 |
| N. Plasters, | 7 40 |
| Dr. E. Watson, | 1 00 |
| Cyrus Wingate, | 10 00 |
| J. W. Allen, | 12 39 |
| G. W. Hoover & Co. | 27 81 |
| Rev. Jos. Bullock, | 2 50 |
| Frank Hodges, | 36 10 |
| G. W. Johnson, | 50 00 |
| Hugh Shannon, | 7 72 |
| Benj. Elliott, | 13 50 |
| L. Wooldridge, | 12 56 |
| W. G. Offutt, | 268 13 |
| V. W. Brooking, | 43 28 |
| W. G. Talbott, | 7 00 |
| Knott, Mahan & Co. | 46 93 |
| Morehead & Co. | 3 00 |
| Geo. Crumbaugh, | 16 62 |
| Rev. H. N. Vandyke, | 6 00 |
| C. N. Johnson, | 10 75 |
| Wolfe & McKinzie, | 18 41 |
| John Carter, | 84 07 |

H—Continued.

| | | | |
|---|---|---|---|
| A. C. George, | 226 | 87 | |
| D. C. Humphreys, | 24 | 46 | |
| W. S. Church, | 146 | 97 | |
| Joel Scott, | 62 | 03 | |
| N. Rupe, | 2 | 65 | |
| Mrs. Quarles, | 34 | 24 | |
| Franklin Chinn, | 11 | 02 | |
| Albert Hancock, | 25 | 61 | |
| H. C. Payne, | 24 | 00 | |
| Tho. S. Page, | 169 | 47 | |
| J. U. Price, | 264 | 87 | |
| Benj. Luckett, | 54 | 86 | |
| Jas. Ross, | 14 | 33 | |
| Brown & Hodges, | 114 | 83 | |
| R. K. Woodson, | 75 | 65 | |
| Dr. C. J. Blackburn, | 16 | 50 | |
| Jas. Bullock, | 2 | 25 | |
| Dr. E. Warfield, | 75 | 00 | |
| Trustees of Frankfort, | 10 | 12 | |
| J. T. Morehead, | 167 | 71 | |
| S. Y. Keene, | 33 | 57 | |
| M. B. Chinn, | 9 | 39 | |
| Isaac Price, | 119 | 09 | |
| Geo. Triplett, | 89 | 72 | |
| Rob't Mills, | 32 | 94 | |
| E. S. Coleman, | 80 | 64 | |
| J. C. Bates, | 28 | 50 | |
| Tho. Bacon, | 17 | 75 | |
| Chas. Mills, | 18 | 31 | |
| L. Weisiger & Son, | 148 | 30 | |
| Jas. Davidson, | 1 | 25 | |
| R. M. Johnson, | 75 | 50 | |
| John Goodman, | 1 | 13 | |
| P. & J. Swigert, | 6 | 35 | |
| J. L. Moore, | 3 | 50 | |
| J. P. Cammack, | 73 | 64 | |
| P. Swigert, | 22 | 60 | |
| S. Lewis, | 37 | 25 | |
| Louisa Crumbaugh, | 25 | 67 | |
| B. Dougherty, | 69 | 73 | |
| H. H. Head, | 43 | 83 | |
| J. & J. Major, | 25 | 22 | |
| Jacob Polsgrove, | 3 | 96 | |
| M. Veach | 61 | 27 | |
| James Clarke, | 233 | 32 | |
| Chas. Hutchinson, | 17 | 85 | |
| L. W. Macey, | 158 | 18 | |
| H. Blanton, | 427 | 55 | |
| John Brumback, | 144 | 00 | |
| Dr. T. D. Elliott, | 10 | 00 | |
| Mrs. Harriet Blanton, | 27 | 50 | |
| V. M. West, | 4 | 75 | |
| J. P. Reading, | 75 | 08 | |
| W. H. Johnson, | 73 | 00 | |
| Dr. F. Lloyd, | 8 | 37 | |
| Kane O'Hara, | 0 | 63 | |
| E. H. Taylor, | 163 | 20 | |
| A. Harper, | 1 | 38 | |
| J. J. Vest, | 7 | 00 | |
| P. Maurouse, | 55 | 44 | |
| B. B. Johnson, | 72 | 53 | |
| | $16,550 | 22 | |

*List of notes due Kentucky Penitentiary November* 10, 1838.

| | |
|---|---|
| One on Samuel Miles, for | $ 48 00 |
| One on Benjamin Taylor, for | 118 00 |
| One on Silas Payne, for | 43 29 |
| One on L. Bacon, Jr. for | 11 50 |
| One on A. C. George, for | 40 00 |
| One on H. Mordecai, for | 67 00 |
| One on S. McDaniel, for | 50 00 |

H—Continued.

| | |
|---|---|
| One on J. P. Reading, for | 25 00 |
| One on Charles Hutchison, for | 67 88 |
| One on W. & T. P. McGinnis, for | 15 75 |
| One on R. G. Samuel, for | 16 23 |
| One on N. Duval, for | 1 63 |
| One on J. W. Allen, for | 14 50 |
| One on E. Benton, for | 90 00 |
| One on R. Richardson, for | 15 00 |
| One on D. Hockersmith, for | 19 88 |
| One on G. W. Sprouse, for | 11 00 |
| One on Samuel Davis, for | 150 00 |
| One on Brown & Richmond, for | 27 89 |
| One on J. D. Brown, for | 18 75 |
| One on Jones Johnson, for | 35 00 |
| One on Thomas Warren, for | 9 30 |
| One on C. K. Hackett, for | 12 00 |
| One on E. Herndon, for | 11 94 |
| One on Smith & Graves, for | 31 25 |
| One on M. R. Wiggington, for | 57 50 |
| One on H. Blanton, for | 200 00 |
| One on B. T. Head, for | 7 53 |
| One on A. Jenkins, for | 5 44 |
| One on James Maybee, for | 23 00 |
| One on Franklin County, for | 108 25 |
| One on G. I. Morton, for | 70 38 |
| One on Thomas Shockley, for | 53 57 |
| One on G. W. Scantland, for | 7 00 |
| One on B. Gains, for | 39 38 |
| One on John Sheets, for | 8 10 |
| One on Benjamin Lowery, for | 7 60 |
| One on Robert Hunter, for | 53 35 |
| One on Benjamin Hawkins, for | 31 00 |
| One on L. B. Fenwick, for | 9 76 |
| One on Thomas S. Carter, for | 54 03 |
| One on J. J. Marshall, for | 165 00 |
| One on M. Gro es, for | 405 04 |
| One on W. & T. Gains, for | 7 18 |
| One on J. McChesney, for | 143 67 |
| One on Tom. Bacon, for | 51 24 |
| One on J. C. Melchior, for, | 18 37 |
| One on Gale & Blanton, for | 142 50 |
| One on E. M. McIlroy, for | 34 00 |
| One on Duncan & Ratcliffe, for | 46 25 |
| One on T. N. Grigsby, for | 191 25 |
| One on A. G. Keenon, for | 10 27 |
| One on M. Foree, for | 12 00 |
| Notes out for collection, | 1,422 41 |
| Total, | $4,335 86 |

# I.

## STATISTICS OF OTHER PRISONS.

### MAINE STATE PRISON.

Average number of prisoners, for thirteen years, 80. Expenses above earnings, about $12,000. This prison is on the associated labor plan.

### NEW HAMPSHIRE STATE PRISON.

Average number of prisoners, for last ten years, 73. The earnings altogether insufficient to defray expenses. This prison is conducted upon the contract plan. The whole labor of the convicts given to the warden. He obliging himself to keep the institution off the treasury. Associated labor plan.

### VERMONT STATE PRISON.

The number of prisoners, for twenty five years, from 100 to 138. The whole labor of the prisoners is given to the agent, for three years, on condition that he will pay all the expenses, as above. Associated labor.

### CHARLESTOWN, MASSACHUSETTS.

Average number of prisoners, for last ten years, 270. Earnings last year, above expenses, $806 81. Associated labor plan.

### WETHERSFIELD, CONNECTICUT.

Average number of prisoners, for last five years, 198. Earnings in 1838, above expenses, $5,015 02. Supposed to be on the solitary confinement plan.

### STATE PRISON, AUBURN, NEW YORK.

Average number of prisoners, for last ten years, 641. This institution extracts from the treasury about $25,000. Associated labor.

### STATE PRISON AT SING SING, NEW YORK.

The number of convicts varying from 800 to 1,000. Earnings, above all expenses in 1838, $6,654 62. Associated labor.

NEW PENITENTIARY, NEW JERSEY.

Number of prisoners in 1837, 141. Earnings, above expenses in 1837, $1,741 41. This State has paid about $200,000 for this prison, prepared for the accommodation of 200 convicts. Solitary confinement plan.

PENITENTIARY OF PHILADELPHIA.

Number of prisoners in 1837, 387. Expenses exceed earnings, $10,272 72. Solitary confinement considered pernicious to health.

PENITENTIARY AT BALTIMORE, MARYLAND.

Number of prisoners in 1837, 387. Earnings, short of expenses, $149 27. Solitary confinement.

NEW PENITENTIARY, WASHINGTON, D. C.

Number of prisoners in 1837, 76. Expenses, above earnings this year, $9,810 60. Solitary confinement.

NEW PENITENTIARY, TENNESSEE.

In 1837, 122 convicts. Earnings, above expenses, about $7,000 per annum. Associated labor.

NEW PENITENTIARY, OHIO.

Number of prisoners in 1837, 392. Earnings, above expenses, $8,152 51½. In addition to this, should be added for labor of prisoners on public works, $4,405 45. Associated labor.

LOUISIANA STATE PRISON.

Number of prisoners in 1837, 112. Earnings, above expenses in 1837 $3,242 16. Associated labor.

KENTUCKY PENITENTIARY.

Number of prisoners in 1838, 141. Average number for five years, 105.

| | | |
|---|---|---|
| Average amount of earnings, above expenses, for same time, | | $16,363 24 |
| Deduct for Keeper's interest, | | 8,181 62 |
| Leaves the State, | | 8,181 62 |
| In addition thereto, add for machinery, | $2,500 00 | |
| Also, for labor of prisoners on buildings, not included in the above estimate, | 4,000 50 | |
| One fifth | 6,500 50 | 1,300 10 |
| Annual amount of net profits to the State, | | $9,481 72 |

# REPORT

OF

# THE COMMITTEE ON MILITARY AFFAIRS.

---

The committee on Military Affairs, to whom was referred the following resolution: "*Resolved*, That the committee on Military Affairs be instructed to take into consideration a communication from His Excellency, the Governor, together with the accompanying communications from the Quarter Master General, respecting the condition of the arms and accoutrements belonging to this Commonwealth, and report accordingly to this House," have had the same under consideration, and make the following report:

That on examination of the books and papers of the former Quarter Master General of the Kentucky militia, they had been badly kept, so that it is difficult to ascertain the number of arms and accoutrements that have been drawn from the arsenal, and distributed among the militia companies throughout the State, or the number returned to said arsenal, during the time that John Woods discharged the duties of Quarter Master General. The committee also, on examination, found a number of bonds on file in said office, taken by the predecessors of the present Quarter Master General, that they are of opinion can never be enforced against those who executed them, owing to the careless manner in which they were taken—no place of residence, or number of regiment, marked on said bonds. They, also, found many bonds on file, with the signatures of individuals, and no arms inserted on their face. They found that there was no evidence, on the books of said office, to show that any money had been collected or paid over, by the former Quarter Master General, upon bonds for arms not returned, and the arms that were injured by the burning of the arsenal—said arms having been sold by John Woods, the former Quarter Master General, to Thomas S. Theobald, and shipped to Cincinnati; the committee are informed that the brick of the burnt arsenal was, also, sold by the said Woods, and there is no evidence in the office to show who purchased them, the price they sold for, or to whom the money was paid. The committee deem it their

duty to say, that the public arms are now in as good condition as could be expected, under the existing circumstances, and believing the present Quarter Master General, Ambrose W. Dudley, is entitled to much credit for the care and attention he has bestowed on them.

The public arms are stored away in a room procured for that purpose by the Quarter Master General; the committee believe that no better can be procured, and are of opinion that it is quite insufficient for the safe-keeping of said arms, and believing that expediency requires that some provision should be made for their better preservation, therefore, they recommend to this Legislature the propriety and great necessity of building an arsenal, or providing some dry and secure place for their deposit, in order that they be kept secure from rust and other damages that would render them unfit for service, as, in the opinion of the Legislature, may seem best, or policy may dictate. The committee are of opinion that the exorbitant rents paid by the State, for rooms rented for the safe-keeping of the public arms, and additional labor that is required, amounting, annually, to $150, will, of itself, be sufficient to build an arsenal in a few years. The committee, on examination of the books in the Quarter Master General's office, found that Thos. P. Dudley, Quarter Master General, commander of a detachment of troops ordered from this State to assist General Andrew Jackson, in the defence of New Orleans, drew arms from the public arsenal of this State, for the purpose of arming and equipping said detachment; and that, after the battle was over, General Dudley and the troops, amounting to one hundred and ninety, were about to return to Kentucky, said arms, amounting to one hundred and ninety, with accompanying accoutrements, were detained and put in the service of the United States, and have never been returned to Kentucky; they, therefore, submit to the intelligence of the Legislature the plan to be adopted concerning the recovery of said arms. The committee are of opinion that the salaries of the Quarter Master General and Adjutant General are entirely too low, and that it should be made commensurate with their labor; and that no gentlemen, qualified to discharge the duties, will or can afford to do them for the salaries now fixed by law.

All of which is hereby respectfully submitted, together with the accompanying documents, marked A and B.

J. W. O'BANNON, *Chairman.*

A.

STATEMENT *of the Ordnance Department of the State of Kentucky, up to February* 1, 1839, *made at the request of the Committee of the House of Representatives.*

| | Brass three-pounders. | Iron six-pounders. | Swords and belts. | Ammunition boxes. | Muskets and Bayonets. | Cartridge Boxes and Belts. | Bay. Scabbards and Belts. | Accoutrements. | Rifles. | Flasks. | Pouches and Belts. | Accoutrements. | Pairs of Pistols. | Swords and Scabbards. | Sword Belts. | Pairs of Pistols. | Cartridge Boxes. | Accoutrements. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Arms, &c. received from the United States, to the 20th November, 1838, as reported to the Legislature, through the Governor, - | 1 | 6 | 100 | – | 13115 | – | – | 7682 | 1654 | – | – | 1579 | 2265 | 2329 | 203 | – | – | 1576 |
| Supposed and real loss, as reported, same time, - | – | 2 | 25 | – | 9275 | 2215 | 2127 | 3000 | 816 | 422 | 422 | – | 1168 | 1268 | 688 | 613 | 469 | |
| Supposed balance at the command of the State, - | 1 | 4 | 75 | – | 3840 | – | – | – | 838 | – | – | – | 1097 | 1061 | | | | |

B.

STATEMENT *of the Ordnance Department of the State of Kentucky, up to February* 1, 1839, *made at the request of the Committee of the House of Representatives.*

| | Brass three-pounders. | Iron six-pounders. | Swords and belts. | Ammunition boxes. | Muskets and bayonets. | Cartridge Boxes and Belts. | Bay. Scabbards and Belts. | Accoutrements. | Rifles. | Flasks. | Pouches and Belts. | Accoutrements. | Pairs of Pistols. | Swords and Scabbards. | Sword belts. | Pairs of Pistols. | Cartridge Boxes. | Accoutrements. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| In the State Arsenal, 20th November, 1838, - - | 1 | 1 | 68 | 2 | 592 | 488 | 538 | | 278 | 180 | 180 | | 232 | 88 | 88 | 98 | 98 | |
| Received from the U. States since apportionment for 1837, - - - - - | – | – | – | – | 320 | – | – | 320 | 119 | 119 | – | 119 | 182 | 82 | – | – | – | 82 |
| Returned by individuals upon bonds since Nov. 1838, & nearly all in bad order, - | – | – | 32 | – | 90 | 61 | 53 | – | 105 | 81 | 90 | – | 50 | 61 | | | | |
| 1839, Feb'ry 1, now in the Arsenal, - - - | 1 | 1 | 100 | 2 | 1002 | 549 | 591 | 320 | 502 | 380 | 270 | 119 | 464 | 231 | 88 | 98 | 98 | 82 |

1839, Febry 1, now in the Arsenal, - - - 1 | 1 | 100 | 2 | 1002 | 549 | 591 | 320 | 502 | 380 | 270 | 119 | 464 | 231 | 88 | 98 | 98 | 82

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